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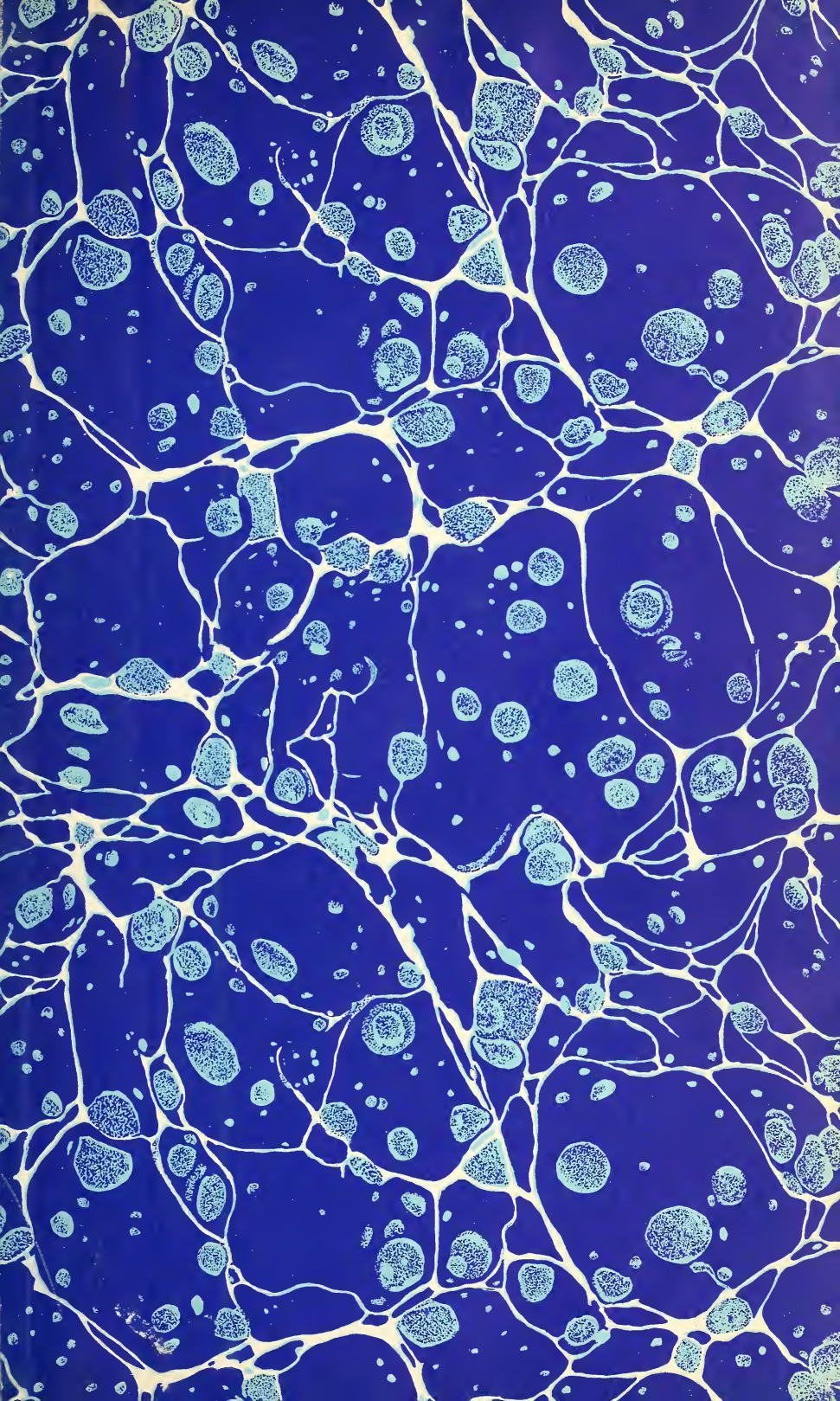


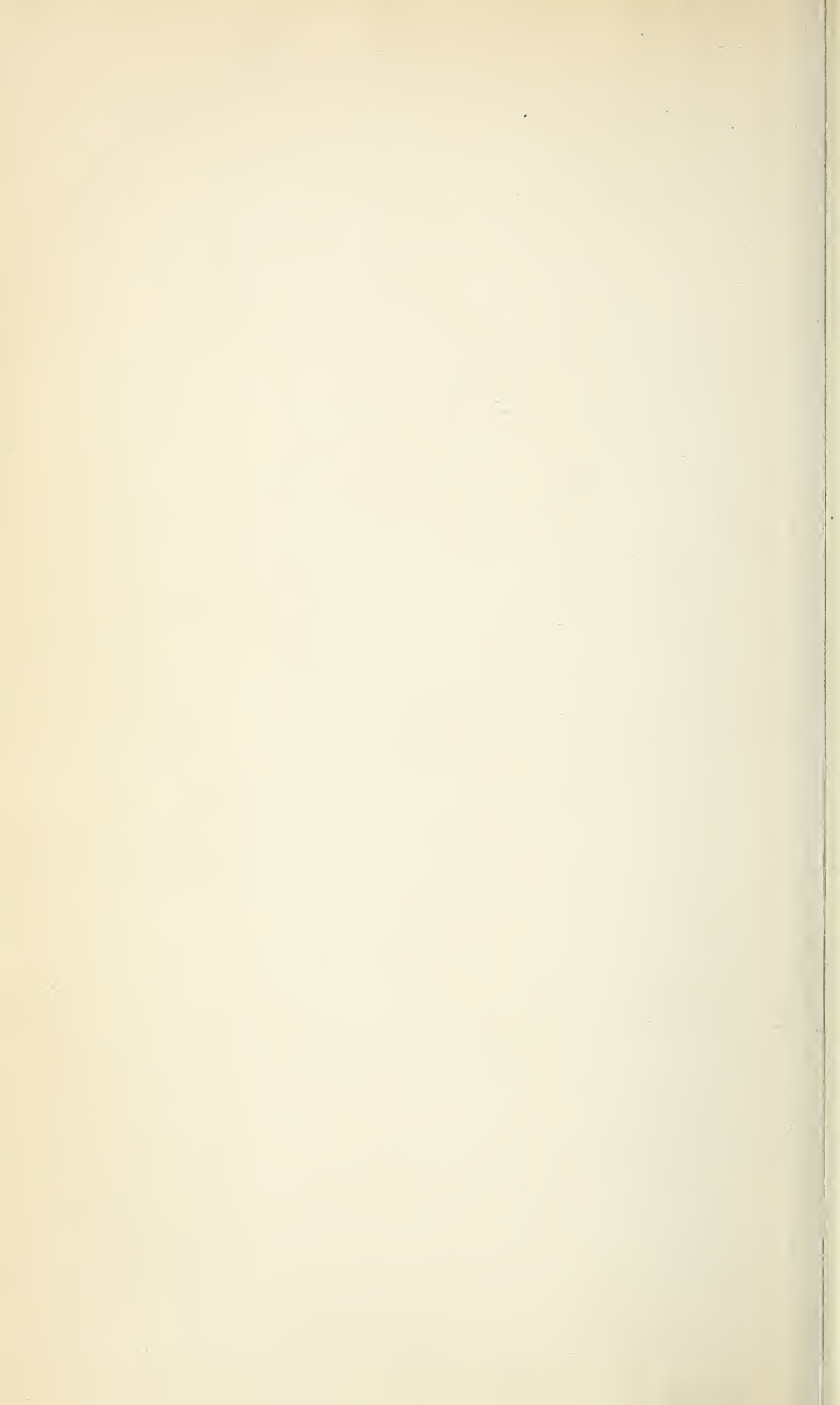
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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

19001-19025

[Approved by the Secretary of Agriculture, Washington, D. C., June 22, 1932]

19001. Adulteration and misbranding of flavoring sirups. U. S. v. 10/12 Dozen Bottles of Imitation Apricot Non-Alcoholic Cordial, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27070. I. S. Nos. 39489, 39490, 39491. S. No. 5265.)

Examination of samples of flavoring sirups showed that the pineapple and raspberry sirups were deficient in fruit and were artificially colored, and that the so-called apricot nonalcoholic cordial was not labeled so as to indicate plainly that it was an imitation.

On October 13, 1931, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of ten-twelfths dozen bottles of imitation apricot nonalcoholic cordial, 3½ dozen bottles of pineapple sirup, and 1½ dozen bottles of raspberry sirup, remaining in the original unbroken packages at Baltimore, Md., alleging that the articles had been shipped by the L. E. Jung & Wulff Co. (Inc.), from New Orleans, La., on or about June 9, 1931, and had been transported from the State of Louisiana into the State of Maryland, and charging that the apricot nonalcoholic cordial was misbranded and that the pineapple and raspberry sirups were adulterated and misbranded in violation of the food and drugs act. The articles were labeled in part, variously: "Imitation Apricot Non-Alcoholic Cordial A Stimulating Beverage Imitation Flavor and Color * * * L. E. Jung & Wulff Co., Incorporated, New Orleans, La.;" "L. E. Jung & Wulff Co., Inc. Pineapple Syrup [or "Raspberry Syrup Artificial Color"] Vegetable Color * * * Non-Alcoholic High Grade Cordials and Manufacturers of Syrups, New Orleans."

It was alleged in the libel that the pineapple and raspberry sirups were adulterated in that substances deficient in fruit and artificially colored had been mixed and packed with and substituted in part for the articles, and for the further reason that the said articles had been colored in a manner whereby inferiority was concealed.

Misbranding of the said pineapple and raspberry sirups was alleged for the reason that the statements, "Pineapple Syrup" and "Raspberry Syrup," were false and misleading and deceived and misled the purchaser; and for the further reason that the articles were offered for sale under the distinctive names of other articles. Misbranding of the imitation apricot nonalcoholic cordial was alleged for the reason that it was not labeled, branded, or tagged so as to indicate plainly that it was an imitation in that the label failed to bear a clear statement of the principal or essential ingredients composing the article.

On November 16, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19002. Adulteration of canned salmon. U. S. v. 1,588 Cases, et al., of Canned Salmon. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 26929, 26969. I. S. Nos. 22331, 22335. S. Nos. 5142, 5185.)

Samples of canned salmon from the shipments herein described having been found to be tainted or stale, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

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On or about September 1 and September 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 5,035 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Kadiak Fisheries Co., from Kodiak, Alaska, in part on or about July 24, 1931, and in part on or about August 15, 1931, and had been transported from Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: (Case) "Packed by Kadiak Fisheries Co., Kodiak, Alaska, Seattle, Washington."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On November 3, 1931, the Kadiak Fisheries Co., Seattle, Wash., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be delivered to the said claimant upon payment of costs and the execution of bonds totaling \$4,500, conditioned in part that it be sorted under the supervision of this department in order to separate the good portion from the decomposed portion, and further conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, or the laws of any State, Territory, district, or insular possession. The decrees further ordered that upon compliance with the conditions of the bonds, the unadulterated portion be released and the remainder destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19003. Adulteration of tomato catsup. U. S. v. 46 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27071. I. S. No. 12606. S. No. 5317.)

Samples of canned tomato catsup from the shipments herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the District of Idaho.

On October 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 46 cases of tomato catsup, remaining in the original unbroken packages at Nampa, Idaho, alleging that the article had been shipped by the Pleasant Grove Canning Co., from Pleasant Grove, Utah, in part on or about October 18, 1930, and in part on or about March 7, 1931, and had been transported from the State of Utah into the State of Idaho, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Pleasant Grove Brand Catsup, * * * Packed by Pleasant Grove Canning Co., Pleasant Grove, Orem, Utah."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On November 16, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19004. Misbranding of canned pitted red cherries. U. S. v. 881 Cases of Pitted Red Cherries. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27068. I. S. No. 35094. S. No. 5289.)

Examination of samples of the product herein described showed that the article was water-packed canned pitted cherries, containing excessive pits, and it was not labeled to show that it was water-packed and substandard, as required by regulations of this department.

On or about October 14, 1931, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 881 cases of canned pitted red cherries at Chicago, Ill., alleging that the article had been shipped by the Fruit Growers Union Corporation from Sturgeon Bay, Wis., September 4, 1931, and had been transported from the State of Wisconsin into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Sturgeon Bay Brand Pitted Red Cherries * * * Packed by Fruit Growers Canning Co., Sturgeon Bay Wis."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Pitted * * * Cherries," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was canned food and fell below the standard of quality and condition promulgated for such canned food, in that it was water-packed and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture, indicating that such canned food fell below such standard.

On November 9, 1931, the Fruit Growers Union Cooperative, Sturgeon Bay, Wis., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned in part that it be relabeled under the supervision of this department and that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19005. Adulteration of chocolate cops. U. S. v. 18 Cartons of Chocolate Cops. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27103. I. S. No. 37920. S. No. 5337.)

The chocolate cops involved in this action were candies all having the same outward appearance, with prizes of copper pennies concealed in some of the pieces. They were designed to appeal particularly to children.

On October 28, 1931, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 18 cartons of the said chocolate cops, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped by the Voneiff-Drayer Co., Baltimore, Md., on or about September 30, 1931, and had been transported from the State of Maryland into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Carton) "Voneiff-Drayer Chocolate Cops * * * Made in U. S. A. By the Voneiff-Drayer Company, Baltimore, Maryland."

It was alleged in the libel that the article was adulterated under the provisions of the law applicable to confectionery, in that it contained an ingredient deleterious or detrimental to health, to wit, a copper cent; and under the provisions of the law applicable to food, in that it contained an added poisonous or other added deleterious ingredient which might have rendered it injurious to health, to wit, a copper cent.

On November 20, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19006. Adulteration and misbranding of jelly. U. S. v. The Royal Remedy & Extract Co. Plea of guilty. Fine, \$10. (F. & D. No. 26599. I. S. Nos. 7306, 7307, 029820, 029821, 029822.)

Examination of a product, represented to be apple pectin jelly, having shown that the article was imitation jelly, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On August 28, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Royal Remedy & Extract Co., a corporation, Dayton, Ohio, alleging shipment by said company in violation of the food and drugs act, from the State of Ohio into the State of Michigan, in part on or about December 28, 1929, and in part on or about July 21, 1930, of quantities of jelly that was adulterated and misbranded. The article was labeled in part: (Glass) "Souders Apple Pectin Jelly Strawberry [or "Raspberry" or "Blackberry"] Flavor * * * Royal Remedy & Extract Co. Dayton, Ohio."

It was alleged in the information that the article was adulterated in that imitation jelly had been substituted for jelly, which the article purported to be.

Misbranding was alleged for the reason that the statement "Jelly," borne on the label, was false and misleading in that the said statement represented that the article was jelly; and for the further reason that it was labeled as afore-

said so as to deceive and mislead the purchaser into the belief that it was jelly, whereas it was not jelly, but was imitation jelly. Misbranding was alleged for the further reason that the article was an imitation of jelly and was offered for sale and sold under the distinctive name of another article.

On November 24, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19007. Adulteration of tomato catsup and tomato puree. U. S. v. 47 Cases of Tomato Catsup, et al. Default decrees of condemnation and destruction. (F. & D. Nos. 26865, 26866. I. S. Nos. 22717, 22718. S. No. 5058.)

Samples of tomato catsup and tomato puree from the shipment herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the District of Montana.

On August 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 47 cases of tomato catsup and 16 cases of tomato puree at Butte, Mont., alleging that the articles had been shipped by the Rocky Mountain Packing Corporation, from Salt Lake City, Utah, on or about March 30, 1931, and had been transported from the State of Utah into the State of Montana, and charging adulteration in violation of the food and drugs act. The articles were labeled in part, respectively: (Cans) "Royal Red Brand Choice Standard Catsup * * * Distributed by Van Alen Canning Corporation, Ogden and Tremonton, Utah;" and "Royal Red Brand Tomato Puree * * * Distributed by Rocky Mountain Packing Corporation, Salt Lake City, Utah."

It was alleged in the libels that the articles were adulterated in that they consisted in part of decomposed vegetable substances.

On November 9, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19008. Adulteration of canned salmon. U. S. v. 125 Cases of Canned Salmon. Decree of condemnation entered. Product released under bond. (F. & D. No. 27036. I. S. No. 11580. S. No. 5250.)

Samples of canned salmon from the shipment herein described having been found to be tainted or stale, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On October 5, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 125 cases of canned salmon at Fresno, Calif., alleging that the article had been shipped in interstate commerce, on or about August 12, 1931, by McGovern & McGovern, from Seattle, Wash., to San Francisco, Calif., and had been reshipped to Fresno, Calif., on or about August 19, 1931, and that it was adulterated in violation of the food and drugs act. The article was labeled in part: (Can) "Palace Brand Alaska Pink Salmon * * * Haas Brothers, Distributors, San Francisco, Fresno."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On November 25, 1931, the Wrangell Packing Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having executed good and sufficient bonds, conditioned in part that the product should not be sold or otherwise disposed of contrary to the Federal food and drugs act or other existing laws, judgment was entered ordering the product condemned as adulterated. The decree further ordered that the said product be released to the claimant for the purpose of segregating for destruction all that part which consisted of bad fish, such segregation to be made at claimant's expense, and under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19009. Adulteration and misbranding of cocoa. U. S. v. 25 Barrels of Cocoa. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27014. I. S. No. 39721. S. No. 5225.)

Samples of cocoa having been found to contain added shell material, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On September 30, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 25 barrels of cocoa, remaining in the original unbroken packages at Union City, N. J., alleging that the article had been shipped by M. Bernstein, Brooklyn, N. Y., on or about August 31, 1931, and had been transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance, excessive shell material, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement on the label, "Pure Cocoa," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On November 9, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19010. Adulteration and misbranding of canned shrimp. U. S. v. 370 Cases of Canned Shrimp. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26874. I. S. No. 34136. S. No. 5053.)

Examination of samples of canned shrimp from the shipment herein described having shown that the article contained excessive brine and that the drained weight of the contents of the cans was less than the weight declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On August 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 370 cases of canned shrimp at New York, N. Y., alleging that the article had been shipped by the Southern Shell Fish Co. (Inc.), Harvey, La., on or about July 1, 1931, and had been transported from the State of Louisiana into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Palm Brand Barataria Shrimp Packed by Southern Shell Fish Co., Harvey La., U. S. A. Wet Pack 5¼ Oz. Net Weight."

It was alleged in the libel that the article was adulterated in that a substance, an excessive quantity of brine, had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement on the can, "Wet Pack 5¼ Oz. Net Weight," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents, since the statement was placed in an inconspicuous position on the label, and was not correct.

On November 5, 1931, the Southern Shell Fish Co., Harvey, La., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled under the supervision of this department, so that the following statement appear conspicuously on the can label: "Slack Filled Minimum Contents 5¼ Ozs. This Size Can Should Contain 5¼ Ozs. Shrimp," and further conditioned that the product should be disposed of by the claimant only in compliance with the law, State and Federal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19011. Adulteration of canned salmon. U. S. v. 820 Cases of Coho Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27042. I. S. No. 22370. S. No. 5273.)

Samples of canner salmon from the shipment herein described having been found to be tainted or stale, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On October 5, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 820 cases of canned salmon, remaining in the original unbroken

packages at Seattle, Wash., alleging that the article had been shipped by the Sebastian Stuart Fish Co., from Tyee, Alaska, on or about August 20, 1931, and had been transported from Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On November 19, 1931, the Sebastian Stuart Fish Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be sorted under the supervision of this department in order to separate the good portion from the decomposed portion and further conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, or the laws of any State, Territory, district, or insular possession. The decree further ordered that upon compliance with the conditions of the bond, the unadulterated portion be released and the remainder destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19012. Misbranding of flour. U. S. v. The Abilene Flour Mills Co. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 26644. I. S. No. 24705.)

Sample sacks of flour from the shipment herein described having been found to be short of the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the District of Kansas.

On October 8, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Abilene Flour Mills Co., a corporation, trading at Abilene, Kans., alleging shipment by said company, in violation of the food and drugs act as amended, on or about March 5, 1931, from the State of Kansas into the State of Illinois, of a quantity of flour that was misbranded. The article was labeled in part: (Sack) "Better Bread Flour, Abilene Flour Mills Co., Abilene, Kans. * * * Bleached Net Weight 5 Lbs. when packed."

It was alleged in the information that the article was misbranded in that the statement, "Net Weight 5 Lbs.," borne on the said sacks, was false and misleading in that the said statement represented that each sack contained 5 pounds net weight of flour; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said sacks contained 5 pounds net of flour; whereas the sacks did not each contain 5 pounds net of the said article, but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 31, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19013. Adulteration of tomato puree. U. S. v. 51 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26789. I. S. No. 13219. S. No. 4914.)

Samples of tomato puree from the shipment herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On July 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 51 cases of tomato puree, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Kaysville Canning Co., Kaysville, Utah, on or about March 8, 1930, and had been transported from the State of Utah into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Newmark Special Brand Extra Tomato Puree Packed for M. A. Newmark & Co., Los Angeles."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On November 12, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19014. Adulteration of tomato catsup. U. S. v. 40 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. No. 26864. I. S. No. 22715. S. No. 5056.)

Samples of tomato catsup from the shipment herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the District of Montana.

On August 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 40 cases of tomato catsup at Butte, Mont., alleging that the article had been shipped by the Pleasant Grove Canning Co., from Pleasant Grove, Utah, on or about September 27, 1930, and had been transported from the State of Utah into the State of Montana, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Pleasant Grove Brand made from whole tomatoes and trimming Catsup * * * Packed by Pleasant Grove Canning Co., Pleasant Grove Orem, Utah."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On November 9, 1931, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19015. Adulteration of canned salmon. U. S. v. 1,609 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27187. I. S. No. 12788. S. No. 5359.)

Samples of canned salmon from the shipment herein described having been found to be tainted or stale, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On October 28, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1,609 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Alaska Pacific Salmon Corporation, from Ketchikan, Alaska, on or about August 9, 1931, and had been transported from Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On November 2, 1931, the Alaska Pacific Salmon Corporation, Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be sorted under the supervision of this department in order to separate the good portion from the decomposed portion, and further conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, or the laws of any State, Territory, district, or insular possession. The decree further ordered that upon compliance with the conditions of the bond the unadulterated portion be released and the remainder destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19016. Adulteration of canned salmon. U. S. v. 188 Cases, et al., of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 27004, 27033. I. S. Nos. 22360, 22361, 22362, 22363. S. Nos. 5219, 5251.)

Samples of canned salmon from the shipments herein described having been found to be tainted or stale, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On September 29 and October 5, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 621 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the North Coast Packing Co., from Ninilchik, Alaska, in part on or about July 25, 1931, and in part on or about August 8, 1931, and had been transported from Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On November 5, 1931, the North Coast Packing Co., Seattle, Wash., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be delivered to the said claimant upon payment of costs and the execution of bonds totaling \$1,500, conditioned in part that it be sorted under the supervision of this department in order to separate the good portion from the decomposed portion and that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, or the laws of any State, Territory, district, or insular possession. The decree further ordered that upon compliance with the conditions of the bond, the unadulterated portion be released and the remainder destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19017. Adulteration of canned salmon. U. S. v. 613 Cases, et al., of Canned Salmon. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 27093, 27219, 27231. I. S. Nos. 12776, 22375, 22501, 22504. S. Nos. 5330, 5391, 5407.)

Samples of canned salmon from the shipments herein described having been found to be tainted or stale, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On October 20, November 9, and November 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 19,258 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by Libby, McNeil & Libby, from Craig, Alaska, on or about September 15, 1931, and had been transported from Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act. A portion of the article was unlabeled. Of the remainder a portion was labeled, (can) "Happyvale Brand Pink Salmon Packed for Emery Food Co., Chicago, U. S. A. Packed in Alaska," and the balance, (case and can) "Rosedale Brand Medium Red Salmon Libby McNeil & Libby."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On October 28 and November 28, 1931, Libby, McNeil & Libby, Seattle, Wash., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of bonds totaling \$6,000, conditioned in part that it be sorted under the supervision of this department in order to separate the good portion from the decomposed portion, and further conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, or the laws of any State, Territory, district, or insular possession. The decrees further provided that the bonds be canceled upon proof that the decomposed portion had been destroyed by the claimant in the process of separating the adulterated from the unadulterated salmon.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19018. Adulteration of canned salmon. U. S. v. 420 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27092. I. S. No. 22374. S. No. 5331.)

Samples of canned salmon from the shipment herein described having been found to be tainted or stale, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On October 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 420 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Fidalgo Island Packing Co., from Ketchikan, Alaska, on or about August 28, 1931, and had been transported from Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On October 29, 1931, the Fidalgo Island Packing Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was

ordered by the court that the product be delivered to said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be sorted under the supervision of this department in order to separate the good portion from the decomposed portion, and further conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, or the laws of any State, Territory, district, or insular possession. The decree further ordered that upon compliance with the conditions of the bond, the unadulterated portion be released and the remainder destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19019. Adulteration of tullibeas. U. S. v. 6 Boxes of Tullibeas. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26805. I. S. No. 35552. S. No. 4967.)

Samples of tullibeas from the shipment herein described having been found to contain worms, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Iowa.

On July 25, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of six boxes of tullibeas, remaining in the original packages at Des Moines, Iowa, alleging that the article had been shipped by Booth Fisheries Co., from Warroad, Minn., on or about July 17, 1931, and had been transported from the State of Minnesota into the State of Iowa, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "To Booth, Warroad, Lake of the Woods Tullibeas."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of filthy, decomposed, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of a portion of an animal unfit for food.

On January 6, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United State marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19020. Adulteration of tomato catsup. U. S. v. 54 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27057. I. S. No. 12604. S. No. 5302.)

Samples of canned tomato catsup from the shipment herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the District of Idaho.

On October 8, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 54 cases of tomato catsup, remaining in the original unbroken packages at Boise, Idaho, alleging that the article had been shipped by the Perry Canning Co., from Perry, Utah, on or about April 22, 1931, and had been transported from the State of Utah into the State of Idaho, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Mountain Mac Brand Standard Catsup * * * Packed by Perry Canning Company, Perry, Utah."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On November 16, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19021. Adulteration of apples. U. S. v. 125 Bushels of Apples. Default decree of condemnation entered. Product destroyed. (F. & D. No. 27063. I. S. No. 39116. S. No. 5310.)

Lead arsenate having been found on samples of apples taken from the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On October 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 125 bushels of apples, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by the American Fruit Growers (Inc.), from Youngstown, N. Y., on or about September 29, 1931, and had been transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, lead arsenate, which might have rendered it injurious to health.

On November 10, 1931, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal or delivered to a private benevolent organization of Pittsburgh. Objection having been made by a representative of this department to the release of the apples without provision being first made to insure the removal of the lead arsenate before their use, the marshal destroyed the product.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19022. Adulteration and misbranding of butter. U. S. v. 30 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27826. I. S. No. 45210. S. No. 5534.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On December 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Whitehall Creamery Association, from Whitehall, Wis., on or about November 11, 1931, and had been transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold and shipped as butter, which was false and misleading in that the said article contained less than 80 per cent of milk fat.

On December 3, 1931, Goldenberg Bros. & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be reworked under the supervision of this department upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19023. Adulteration of canned tuna. U. S. v. 620 Cases of Canned Tuna. Tried to the court. Judgment for the Government. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 26364. I. S. No. 12424. S. No. 4700.)

Samples of canned tuna from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On May 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 620 cases of canned tuna, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the California Sea Food Co., Los Angeles, Calif., on or about April 17, 1931, and had been transported from the State of California into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Tuna for Pets Not Intended for Human Consumption * * * California Packing Corporation * * * San Francisco, Calif."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On June 9, 1931, Morris Muskatel, Seattle, Wash., entered an appearance in the case and filed a claim and answer to the libel. On July 29, 1931, the case having come on for trial before the court, evidence was introduced on behalf

of the Government and the claimant. On August 25, 1931, the court handed down the following memorandum decision (Neterer, J.):

"Libelant seeks to condemn 620 cases of canned tuna, labeled 'Tuna for pets not intended for human consumption * * *.' The libelant's expert testified that he examined 96 cans in San Francisco of the quantity in issue by opening the cans, testing the contents for firmness, and smelling to determine the condition; that 21 per cent were in advanced stage of decomposition, the remaining were in satisfactory condition. At trial 12 cans were opened, selected at random. One was shown to be decomposed by the same test. The same standards were applied as applied to tuna consigned for human consumption. The claimant's expert at trial agreed with libelant's witness that the cans examined at trial, one of which was condemned, were not in a state of decomposition; but he stated that the condemned can is fit for the purposes for which it was intended, and that he had fed a number of like cans to his own cat, and the cat thrived.

"From all the evidence presented the conclusion is inevitable that some of the canned product was decomposed and others tainted. 21 per cent of the 96 cans examined were somewhat decomposed, and that between 8 and 9 per cent of the remaining portion was tainted to the extent that it was susceptible to smell, making practically one-third of the product open to criticism and imposing upon the public a canned product, of which one-third was unsound.

"The act is broad in its provision, and section 6 provides the term 'food,' as used, shall include food for man or other animals. The intent of the act, no doubt, was to prevent imposition of fraud upon the public by canning and commercializing a product which was decomposed and not in a healthy, normal condition. The provisions of the act are broader than its title, which shows the object to be against adulterated, misbranded, poisonous, and deleterious food, drugs, etc. The act, no doubt, was primarily in the interest of humanity and against fraudulent practices.

"The product by its label, presumably, is for dogs and cats. As to that, however, there is no evidence. The same standard of test was applied as for human consumption. Common sense enters into and becomes a part of every law, in the absence of explicit enactment. The same standard—test and strictness—applied to food for human consumption may not be applied to food branded for animals other than man—'Man, the autocrat among animals'—Heine. 'Man,' said Thomas Browne, 'is a noble animal, splendid in ashes, and pompous in the grave. A dog is never offended at being pelted with bones,' although a man's best friend is his dog, who often has more trouble to get food than to digest it. The old maxim, 'Who will not feed cats must feed mice and rats,' may be contemplated. But with all considerations and tests, there are other pets than dogs and cats, and in view of the broad scope of the act and of the large percentage of decomposed and tainted commodity (practically one-third), the seizure is confirmed, and an order of condemnation is directed."

On November 4, 1931, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal, and that the claimant pay costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19024. Misbranding of cottonseed meal. U. S. v. Elk City Cotton Oil Co. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 26597. I. S. No. 19707.)

Samples of cottonseed meal from the shipment herein described having been found to contain less crude protein and more crude fiber than declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Oklahoma.

On November 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Elk City Cotton Oil Co., a corporation, Elk City, Okla., alleging shipment by said company, in violation of the food and drugs act, on or about October 15, 1930, from the State of Oklahoma into the State of Texas, of a quantity of cottonseed meal that was misbranded. The tags attached to the sacks containing the article were labeled in part: "43% Protein Elko Brand Cottonseed Meal Prime Quality Manufactured by Elk City Cotton Oil Company, Elk City, Oklahoma Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent * * * Crude Fiber not more than 12.00 Per Cent."

It was alleged in the information that the article was misbranded in that the statements, to wit, "Guaranteed Analysis: Crude Protein not less than

43.00 Per Cent * * * Crude Fiber not more than 12.00 Per Cent," borne on the said tags, were false and misleading in that the said statements represented that the article contained not less than 43 per cent of crude protein and not more than 12 per cent of crude fiber; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of crude protein and not more than 12 per cent of crude fiber; whereas the said article contained less crude protein and more crude fiber than labeled, to wit, not more than 39.92 per cent of crude protein and not less than 12.8 per cent of crude fiber.

On November 27, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19025. Adulteration of tullibeas. U. S. v. 1,000 Pounds of Tullibeas. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26818. I. S. No. 35560. S. No. 4990.)

Samples of tullibeas from the shipment herein described having been found to be infested with worms, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Missouri.

On July 30, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1,000 pounds of tullibeas, remaining in the original unbroken package at St. Louis, Mo., alleging that the article had been shipped on or about September 25, 1930, by the Johanessen Fisheries, from Winnipeg, Manitoba, Canada, into the State of Missouri, and that it was adulterated in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or partly of a filthy, decomposed, or putrid animal substance, and for the further reason that it consisted of a portion of an animal unfit for food.

On November 6, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

U. S. Department of Agriculture

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

19026-19075

[Approved by the Secretary of Agriculture, Washington, D. C., June 22, 1932]

19026. Misbranding of Angeline. U. S. v. 29 Bottles of Angeline. Default decree of destruction entered. (F. & D. No. 26915. I. S. No. 35734. S. No. 5097.)

Examination of a drug product, known as Angeline, from the shipment herein described having shown that the bottle and carton labels contained statements representing that the article possessed curative and therapeutic properties which in fact, it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Missouri.

On August 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 29 bottles of Angeline, remaining in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped by the Angeline Corporation, from Hamilton, Ohio, on or about July 11, 1931, and had been transported from the State of Ohio into the State of Missouri, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs including a laxative drug, sodium salicylate, flavoring material, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing on the bottle and carton labels, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Pure Blood is the Life of the Flesh

* * * Sub-Acute & Chronic Rheumatism When indicated by rheumatic aches and pains of the joints and muscles, and Neuralgia of a rheumatic nature, dispelling fever and relieving condition. Directions For Adults;" (carton) "Pure Blood is the Life of the Flesh * * * Sub-Acute & Chronic Rheumatism when indicated by rheumatic aches and pains of the joints and muscles, and Neuralgia of a rheumatic nature, dispelling fever and relieving condition. * * * Rheumatism. Dr. Kauffman was convinced years ago that rheumatism was caused by bacteria and directed his researches for relief along these lines. After close observation and experiments upon himself (he suffered from chronic articular rheumatism), discovered a remedy, the formula of which was published in the leading medical journals of Europe at the time. He tried it on many rheumatic patients in his private hospitals with the same wonderful results. The germ, as well as all poisonous material, which causes rheumatism is eliminated out of the system by 'Angeline,' as Dr. Kauffman's remedy is known and offered by us to the public. Treatment. Take Angeline according to directions on the bottle. If your case is chronic or very acute, the first bottle may make you feel worse, as it stirs up the rheumatic poison in the system prior to its removal. This should encourage you to give Angeline a thorough trial; a medicine which will not take hold of a disease, will never relieve it. Rheumatism is a disease of the blood, the rheumatic poison permeates the entire system and affects the nerves, muscles and joints in any part of the body. The number of bottles required depends on the cause of the disease, the constitution of the sufferer, and the manner in which it has

affected the joints. Some chronic cases have required a dozen bottles. * * *

Rheumatism Its Pathology, Nature and Treatment. Rheumatism, this dreadful disease, the scourge of humanity, is characterized by severe pains in the joints (especially when these are acted on by the muscles) and more or less heat in the part, sometimes attended with fever. The following varieties may be noted: 1. Articular Rheumatism, occurring in the joints and muscles of the extremities. 2. Lumbago, occurring in the loins and small of the back, and mostly shooting upwards. 3. Sciatica, occurring in the hip joints, with emaciation of the buttocks. 4. Spurious Pleurisy, occurring in the muscles of the diaphragm, or midriff. Rheumatism may be divided into two classes: Acute Rheumatism and Chronic Rheumatism. Acute or Inflammatory Rheumatism announces itself through piercing pain in the joints and muscles, in the back, the knees, the hips, etc., and generally spreads throughout the whole body; it is accompanied by weakness, chills, fever, thirst, restlessness and want of sleep; the tongue is white, the bowels are generally hard and costive, the pulse strong and full. Chronic Rheumatism is accompanied by no fever, the joints are very painful, swollen, sensitive and often stiff, sometimes hot, and soon again cold. If this disease is of long duration the joints will swell and expand, and dislocation takes place. Pathological Cause. The immediate pathological cause of rheumatic fever is the presence in the blood of a poisonous bacteria (diplococci) produced within the system by some disturbance in the nutritive and elementary process, assisted by such debilitating diseases as influenza, sluggish circulation of the blood, or inaction of the kidneys and liver failing to remove the rheumatic poison from the system. Climate and season have considerable influence, the affection occurring in temperate but very moist climate, where there are sudden changes in temperature. It is far less common in tropical and very cold countries. A state of ill-health from any cause may predispose to rheumatic fever, and also mental depression or anxiety, but individuals are attacked when in apparent perfect health. Joints which are much used or which have been injured are the most liable to become affected. Exciting Causes. An exciting cause is a sudden chill, produced by exposure to cold and wet, sitting in a draught when heated or perspiring, neglecting to change wet clothes, etc. In many instances no definite cause can be fixed upon, and it is quite conceivable that processes may go on in the system, which gradually tend to generate an amount of the poison sufficient to produce the complaint. Inflammatory Rheumatism is the more dangerous of the two, owing to its rapid spreading over the body, and in the course of its attack implicating certain internal organs and structures, especially the heart. In not a few instances both the heart and lungs, with their coverings, are inflamed at the same time. If the disease has so far advanced without receiving proper treatment, relapses are frequent, the parts become chronically affected, and death often results, which is generally due to complications. The principal cause of inflammatory Rheumatism, if it was not Rheumatism caused by poisonous blood, like uric acid, is chilled blood. If the blood becomes chilled it coagulates, thereby obstructing its free circulation. The capillary vessels choke, other small blood vessels follow in succession. The poison can not escape freely through the pores of the skin, but remains in the tissues of the muscles and produces that intensity of pain, fever and perspiration which is experienced after a severe attack. It occurs most frequently between the ages of fifteen and forty years. Men are more frequently attacked than women. Symptoms. Four facts in treating rheumatism should be well remembered: 1. Rheumatism is principally caused by a bacteria now known as diplococci. 2. This germ multiplies very rapidly if persons suffer from debilitating diseases, especially indigestion and constipation, spreading through the system, affecting the joints. 3. By inaction of the liver or kidneys, permitting an accumulation of poisonous material in the system. 4. By contracting colds and chills, as a low temperature more rapidly increases the cocci or germs of rheumatism. Drs. Paine and Poynton, of London, inoculated rabbits with the fluid from the pericardium or throat of persons who had died from rheumatism and in a few days these animals developed typical cases of the disease. Other rabbits inoculated from these followed the same course and when kept at a low temperature, soon died. The germ which causes rheumatism increases rapidly at a low temperature, just the opposite of nearly all other bacteria. An attack of rheumatic fever may be preceded by a general state of bad health for some time, and come on gradually; but usually the invasion is marked,

there being chills of occasionally distinct rigors. These are followed by fever, and soon the joints or other structures are affected. When the disease is established the symptoms are usually very characteristic. The patient presents an aspect of pain and suffering, with restlessness and weariness, but is unable to move on account of the pain which is thus produced, and often there is complete helplessness. Usually copious perspiration exists, the patient being bathed in sweat, which has a peculiarly sour or acrid smell, and is usually very acid in reaction. Patients can not sleep on account of the pain they suffer, but there are no particular head symptoms, as a rule. Occasionally slight delirium exists. Pain and stiffness are generally complained of over the body, but the joints become especially affected. It is the middle-sized which are most commonly attacked; as the elbow, wrist, knees and ankles, but the others are by no means exempt. A joint may be attacked more than once in the course of the disease. The pain is often so severe as to make patients cry, but there is less suffering when there exists much swelling. It must be remembered that rheumatism may occur within any joint symptoms. The temperature in most cases ranges from 100 to 193 deg. The principal cause of rheumatism in its various forms, whether acute or chronic, is the well known germ known to medical science to-day as diplococci."

On November 5, 1931, no claimant having appeared for the property, judgment was entered finding the product misbranded and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19027. Misbranding of the Magic Salve Heal-Al. U. S. v. 10 Dozen Packages of The Magic Salve Heal-Al. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26880. I. S. No. 35842. S. No. 5064.)

Examination of samples of the Magic Salve Heal-Al from the shipment herein described having shown that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for it on the labels of the cartons and boxes and in the circular, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Louisiana.

On August 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 dozen packages of the Magic Salve Heal-Al, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Ericka Manufacturing Co. (Inc.), Springfield, Mass., on or about January 2, 1930, and had been transported from the State of Massachusetts into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of petrolatum in which had been incorporated peppermint oil to the extent of 6 per cent.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent: (Label on tin) "Heal-Al * * * For * * * Sores, Ulcers, * * * Piles * * * Pimples, Chilblains, Corns, Warts, * * * Salt-Rheum, Eczema, and all Skin Diseases;" (carton) "Heal-Al * * * For * * * Coughs * * * For Skin Eruptions;" (circular) "Catarrh, Headache, Toothache, * * * Congested Lungs, Pneumonia, Neuralgia, Rheumatic Pains, Stiff Joints, Swellings, * * * Asthma, Hacking Cough * * * Sores * * * and Piles. For Catarrh: Snuff a small quantity up the nostrils. For Asthma, Hacking Cough and Sore Throat: Place a small quantity on teaspoon and swallow; repeat several times daily; if too sharp, add a little sugar; pure as honey, and gives instant relief. * * * For Rheumatic and All other Pains: Rub briskly with 'Heal-Al.' For Headache: Rub small quantity on forehead; instant relief. For toothache: Place a small lump upon gum; relief is instant. For Neuralgia: Rub parts well which are painful."

On October 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19028. Misbranding of Steketee's neuralgia drops. U. S. v. 2½ Dozen Bottles of Steketee's Neuralgia Drops. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26998. I. S. No. 36513. S. No. 5203.)

Examination of a drug product, known as Steketee's neuralgia drops, from the shipment herein described having shown that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for it in the labeling, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On September 29, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of two and five-sixths dozen bottles of Steketee's neuralgia drops at Chicago, Ill., alleging that the article had been shipped by the Hazeltine & Perkins Drug Co., from Grand Rapids, Mich., on or about April 30, 1931, and had been transported from the State of Michigan into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of Peru balsam, a small proportion of volatile oil, alcohol (45.6 per cent), and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the bottle and carton labels and in the circular, regarding the curative or therapeutic effects of the said article, were false and fraudulent, and the said statements were applied to the article, so as to represent falsely and fraudulently that the said article contained ingredients or medicinal agents effective as a remedy for the diseases, ailments, and afflictions mentioned therein: (Carton) "Neuralgia Drops The Woman's Friend. * * * recommend it for the relief of Neuralgia, Headache and Backache. It is recommended for quieting pains no matter where pain may be located. Neuralgia of the womb, ulcerations of the womb and inflammation of the womb. (It is used as an injection for the last named ailments.) It is used to stop Bleeding * * * and Old Sores, Barber or other itching on any part of the body. * * * Neuralgia Drops * * * A remedy for Neuralgia, Rheumatism, Kidney and Liver Complaints, Chronic Headache and Pains in the Back * * * This Remedy is also used for * * * Old Sores, on Man or Beast;" (bottle) "Neuralgia Drops * * * A Remedy for Neuralgia, Rheumatism, Kidney and Liver Complaints, Chronic Headache, Pains in the Back and Toothache, * * * Directions—For adults, 20 drops three times a day, * * * The contents of this bottle should be used in order to derive any benefit;" (circular) "Neuralgia Drops A wonderful remedy for Neuralgia, Neuritis, Rheumatism, Arthritis, in fact for all pain in any form."

On November 24, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19029. Misbranding of Grafanol ointment. U. S. v. 150 Jars of Grafanol Ointment. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26169. I. S. No. 27129. S. No. 4438.)

Examination of a drug product, known as Grafanol ointment, from the shipments herein described having shown that the circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Texas.

On April 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 150 jars of Grafanol ointment, remaining in the original packages at Dallas, Tex., alleging that the article had been shipped by R. F. Grafa & Sons, from Durant, Okla., at various times between November 8, 1930, and the time of filing the libel, and had been transported from the State of Oklahoma into the State of Texas, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of petroleum products (61.5 per cent), mineral matter (8 per cent), and water (30.5 per cent).

It was alleged in the libel that the article was misbranded in that the following statements appearing in the circular accompanying the article, regarding its curative or therapeutic effects, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Letters from users testify it relieves pain * * * reduces inflammations * * * Doctors say it is a stimulant, antiseptic and emollient. We have hundreds of letters telling of many astonishing cases which it has affected favorably. * * * [Testimonials] 'I suffered from Catarrh of head and throat beginning more than forty years ago. At the time (about September 1, 1926), it had become a very bad chronic case. I noticed improvement, as rapidly as could be expected from a case of so long standing.' * * * 'I had a skin cancer, which had been on me for about three years. I used your treatment about three months, now it is entirely well.' * * * 'I have been troubled with protruding piles since I was 17 years old and I am now 55 years old. A friend gave me a jar of your ointment and I have used it less than three weeks and I am entirely cured.' * * * 'Will say that on about the first of May, 1927, my wife had a breaking out on her ankles (red and inflamed). * * * I called in a local physician who pronounced it acute pellagra in the worst form (told me privately that there was no chance for her), that she might live a month and might not, she had not walked for two weeks. * * * (on Thursday after the other doctor was there on Wednesday). I applied the Grafanol every 24 hours to her limbs and she walked out on the porch Sunday. We continued the treatment for about two weeks, and she seemed as well as ever. * * * She has no appearance of pellagra at this date. We can sure recommend Grafanol as an external treatment for pellagra.' * * * 'It gives me great pleasure indeed to recommend your unknown remedy for piles. * * * Upon your insistence I tried your remedy and after only one application I am completely cured.' * * * 'I have used the wonderful product you gave me and want to say it has given me immediate relief from the pain and soreness. I have had several years a severe case of hemorrhoids, and I find this salve stops the pain at once, and I believe if used consistently will eventually cure the trouble.' * * * 'I have been a sufferer from eczema for twenty years, have tried all kinds of remedies. Will say that after giving your sample a fair trial, that all showing of this trouble has entirely disappeared.' * * * 'I have used your black ointment for piles, having had one of the very worst cases for years * * * After using two large jars I am now entirely well. I also used the mater and salve for rheumatism, and have had big results.' * * * 'I can highly recommend the use of Grafanol in cases of bed sores. I had an enormous bed sore that defied all efforts to heal it for six months.' * * * 'I had nose trouble for about three (3) years and was told that I would have to have an operation to clear up the trouble (sinus trouble). Your friend, Mr. Fred C. Dunlap, gave me some of your medicine, the name I can not remember, but it was a black salve. I put it into my nose one time and for one week water ran from my nose, but at last it quit. I think about the tenth day. It is nine weeks since I applied the medicine, and all traces of my trouble seem to be gone.' * * * 'I had a skin sore on my face that was treated by some of the most skillful physicians in the country without results, only it continued to get worse. A neighbor told me about your medicine, of which I used three applications which cured me. That has been some eight months ago and there has been no sign of the sore since. Besides using it for my own use, I have given it to others who have used it for blood boils, leg sores, severe cuts, aches and pains in the body, all of which were quickly cured;" (jar label) "For External Use—Extensively used for Eczema, Ringworm, * * * Chronic sores, Skin Cancer, Boils, Carbuncles, Poisonous insect bites, Sties, Sore Throat, Nasal Catarrh, * * * Bunions, * * * Piles, Swollen Joints, Rheumatism and other ailments of the flesh. * * * Directions—For * * * skin diseases, boils, rheumatism, etc. * * * For Piles * * * For Granulated Eye Lids * * * for Nasal Catarrh."

On May 26, 1931, the Maytubby Grafanol Co., Dallas, Tex., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it should not be sold or otherwise disposed of in violation of the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19030. Adulteration and misbranding of Hien Fong essence. U. S. v. 2½ Dozen Large Bottles, et al., of Hien Fong Essence. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 26083, 26084. I. S. Nos. 25398, 25399. S. Nos. 4327, 4328.)

Examination of a drug product, known as Hien Fong essence, showed that the carton and bottle labels and an accompanying circular contained statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess. Analysis showed that the product contained less alcohol than declared.

On March 28, 1931, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 5½ dozen large-sized bottles, 28½ dozen medium-sized bottles, and 41½ dozen small-sized bottles of Hien Fong essence at Chicago, Ill., alleging that the article had been shipped by the Knorr Medical Co., from Detroit, Mich., on February 12, 1931, and had been transported from the State of Michigan into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of volatile oils (1.2 per cent), including spearmint oil, peppermint oil, and camphor, a small proportion of ether, extracts of plant drugs, alcohol (52.5 per cent by volume), and water.

It was alleged in the libels that the article was adulterated in that it was sold under the following standard of strength, to wit, "Alcohol 60%," and the strength of the article fell below such professed standard in that it contained a less amount of alcohol.

Misbranding was alleged for the reason that the statement on the carton and bottle labels, "Alcohol 60%," was false and misleading; and for the further reason that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article, since the declaration made was incorrect. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, appearing in the labeling, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "A medical preparation of value for the treatment of * * * Throat and Stomach Troubles. * * * Catarrhal conditions, Neuralgia, etc. Throat troubles such as Sore Throat, Tonsillitis, * * * Stomach troubles such as Indigestion, Colic, Summer Complaint, Stomach Cramps, and for Menstrual or periodic Pains;" (bottle) "Value for the treatment of * * * Throat and Stomach Troubles * * * Catarrhal conditions, Neuralgia, etc. Throat troubles such as Sore Throat, Tonsillitis, * * * Stomach troubles such as Indigestion, Colic, Summer Complaint, Stomach Cramps and for Menstrual or periodic Pains;" (circular) "Directions. In cases of Sore Throat and Tonsillitis, and to guard against Diseases infectious through the Mouth and Throat, gargle repeatedly * * * For Indigestion, Colic, Stomach Cramps and for Menstrual or Periodic Pains, * * * For Cholera Morbus and Summer Complaint of children * * * Catarrhal Conditions, etc. * * * in cases of Neuralgia, Chilblains, * * * Headache."

On August 26, and October 12, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19031. Adulteration and misbranding of Dr. Welter's tooth powder. U. S. v. 91 Packages of Dr. Welters' Tooth Powder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26847. I. S. No. 17520. S. No. 5026.)

Examination of Dr. Welters' tooth powder showed that the labeling contained statements representing that the article possessed curative and therapeutic properties which it did not possess. The article was further represented to be antiseptic, whereas it was not.

On or about August 13, 1931, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel

praying seizure and condemnation of 91 packages of Dr. Welters' tooth powder, remaining in the original unbroken packages at Houston, Tex., alleging that the article had been shipped by the E. A. Welters Tooth Powder Co., from Jacksonville, Fla., on or about May 8, 1931, and had been transported from the State of Florida into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of calcium carbonate, alum, soap, and peppermint oil. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that it fell below the professed standard of antiseptic under which it was sold.

Misbranding was alleged for the reason that the statement on the carton label, "Antiseptic Tooth Powder * * * This preparation is not adulterated or misbranded within the meaning of the Pure Food and Drugs Act, June 30th, 1906," was false and misleading, since the article was adulterated and misbranded within the meaning of the food and drugs act. Misbranding was alleged for the further reason that the statement on the can label and in the circular, "Antiseptic Tooth Powder," was false and misleading, since the article did not possess antiseptic properties. Misbranding was alleged for the further reason that the following statements, appearing in the labeling, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Tender Bleeding Gums Preventing Pyorrhea;" (circular) "Bleeding Gums Danger Signal of Pyorrhea! * * * Dr. Welters' Antiseptic Tooth Powder Heals and Hardens Bleeding Gums. This dentifrice is universally recognized as the most Efficacious Preparation known to dental science for Healing and Hardening Tender and Bleeding Gums. It is Unexcelled for * * * Preventing Pyorrhea. * * * The first symptoms or signs of pyorrhea are 'bleeding' and 'irritated' gums, which should be corrected immediately by consulting a dentist and using Dr. Welters' Antiseptic Tooth Powder, which is specially prepared for healing and hardening bleeding gums. * * * The enamel is to the teeth what the outer layer of skin is to the body, and when impaired, the 'micro-organism' which is commonly known as the 'tooth germ' enters the tooth, and from this point decay begins. Dr. Welters' Antiseptic Tooth Powder * * * Prevents Decay. * * * The 'Cause of Decay in Teeth' and How to Prevent It * * * by removing the constant germ formation from the teeth by the use of 'Dr. Welters' Antiseptic Tooth Powder,' applied with a good brush, morning, noon and before retiring. * * * Do not wait until you are infected with 'Pyorrhea' before using a preventative. Start using Dr. Welters' Antiseptic Tooth Powder or Paste immediately as a 'Preventative' against the infection of this disease. It is prepared specially for Preventing Pyorrhea, Healing and Hardening Bleeding Gums."

On October 7, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19032. Adulteration and misbranding of Kojene and misbranding of Kojenol. U. S. v. 24 Packages of Kojenol and 384 Packages of Kojene. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 27059, 27060. I. S. Nos. 37905, 37906. S. No. 5226.)

Examination of the labeling and composition of the drug products, Kojene and Kojenol, showed that the articles were represented to possess curative and therapeutic properties which, in fact, they did not possess. Examination of the Kojene also showed that the article contained less of the active ingredient, oxyquinoline sulphate (C_9H_7ON)₂ H₂SO₄, than represented in the labeling, and that it was not a powerful antiseptic when used in accordance with the directions printed upon the labeling.

On October 13 and October 14, 1931, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 24 packages of Kojenol, and 384 packages of Kojene, remaining in the original unbroken packages at Harrisburg, Pa., alleging that the articles had been shipped in interstate commerce by the Kojene Products Corporation from Buffalo, N. Y., into the State of Pennsylvania, the former on or about November 28, 1930, and the latter on or

about April 21, 1931, and charging that the Kojenol was misbranded and the Kojene was adulterated and misbranded in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the Kojenol consisted essentially of oxyquinoline sulphate (1.9 gram per 100 milliliters), a small proportion of resinous material and water; and that the Kojene consisted essentially of oxyquinoline sulphate (0.7 gram per 100 milliliters), and water, flavored with methyl salicylate. Bacteriological examination of Kojene showed that it was not antiseptic when used as directed on the labeling.

Adulteration of the said Kojene was alleged in the libel for the reason that it fell below the professed standard under which it was sold, namely, "Basic Constituent (C_9H_7ON)₂ H_2SO_4 In Aqueous Dilution 1:100."

Misbranding was alleged for the reason that the following statements in the labeling were false and misleading: (Carton) "Basic Constituent (C_9H_7ON)₂ H_2SO_4 In Aqueous Dilution 1:100 * * * Antiseptic Under Prolonged Contact as Hereon Stated * * * Kojene is often recommended by physicians and dentists as a mouth wash and a gargle for the throat as well as a spray for the nose;" (bottle) "Basic Constituent (C_9H_7ON)₂ H_2SO_4 In Aqueous Dilution 1:100 * * * Antiseptic Under Prolonged Contact as Hereon Stated * * * As a gargle use 1 part Kojene to 5 parts water. * * * Spray for the Nose. * * * For Use in the Mouth: * * * use 1 part Kojene and 5 parts luke-warm water. Hold this solution in the mouth for a minute or two, * * * Bad Breath: Use as a mouthwash * * * Douche: Three tablespoonfuls of Kojene in 1 quart warm water;" (circular) "Kojene is a powerful, non-poisonous, Antiseptic. Medical authorities say that its active principle has greater power to prevent germ infection than Bichloride of Mercury or Carbolic Acid * * * Although I have tried other Antiseptics, I find Kojene is the safest, best and most effective. * * * For many years, women have been told that in order to secure protection against germ infection, they must use Bichloride of Mercury, Carbolic Acid, or some other poison. * * * Remember the active principle of Kojene has Greater Power to Prevent or Arrest Germ Infection than Carbolic Acid, yet it is Non-Poisonous and Absolutely Safe. * * * Kojene used as directed * * * 3 tablespoonfuls to 1 quart of warm water." Misbranding was alleged with respect to both products for the reason that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the said articles, were false and fraudulent, since they contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Kojene, circular) "Kojene Protects Your Health and Life * * * 'Medical authorities tell us that 85 out of every 100 diseases from which folks suffer are caused by germs. To destroy these germs and prevent them from doing harm, Science has give us antiseptics and Germicides. For instance, if your skin is scratched, cut or bruised, these deadly germs instantly invade the exposed tissue and failure to quickly stop germ development may prove fatal. Likewise, germs in a sore throat or mouth may produce diphtheria, tonsillitis, quinsy and other serious ailments, requiring the prompt attention of your family doctor. To be safe Always Have a Dependable Antiseptic Ready for Instant Use. Delays Are Dangerous.' * * * Kojene * * * It is used and prescribed by thousands of Physicians and Dentists for the relief of sore throat, bad tonsils, troublesome skin affections, * * * sores, * * * and prevent germ infection. * * * to heal * * * bleeding gums and keep the mouth in a healthy condition. * * * Gargle for Sore Throat—Bad Tonsils Ordinary sore throat and inflamed tonsils will be promptly relieved by using Kojene as a Gargle. * * * Catarrhal Conditions of Nose and Head * * * Itching of Eczema and Common Skin Affections * * * to keep the gums and tissues of the mouth in a clean, normal condition, use 1 part Kojene and 5 parts luke warm water * * * Prevents any unsightly Sores, Pimples or Redness. * * * Thousands of Physicians and Dentists use and recommend Kojene for sore throat, bad tonsils, catarrhal conditions, * * * various skin troubles, * * * heal bleeding gums, * * * a safe, dependable Antiseptic and its power to prevent or arrest germ infection when used as directed is vouched for by many medical authorities. * * * 'Kojene I don't want him to be without its great protection.' * * * 'I have been bothered with a skin eruption all my life and never secured permanent relief until I used Kojene' * * * 'It protects us

all' * * * For the Protection of Yourself—Your Children—Your Family * * * **Kojene Gives Security;**" (Kojenol, bottle) "A Guaranteed treatment for Pyorrhea and other diseased conditions of the mouth * * * Use as a mouth wash after each meal, adding $\frac{1}{2}$ teaspoonful Kojenol to $\frac{1}{4}$ glass of warm water. * * * Just Before Retiring, wind a piece of cotton around the end of a toothpick, saturate with Kojenol full strength, and work in thoroughly between the teeth, and around the gums at the 'danger line,' where the teeth and gums unite. Continue treatment for 30 days or until every trace of the disease has disappeared;" (Kojenol, carton) "Kojenol is a non-poisonous antiseptic and germ destroyer having a marked efficiency in the destruction of the micro-organisms found in advanced cases of Pyorrhea and Trench Mouth. Applied as directed by your dentist, it will be found very helpful in the treatment of bleeding, receding gums, to relieve the soreness of gum tissue and make teeth firm in the sockets. * * * To Those Who Suffer from Pyorrhea Kojenol has been specially created as an efficient aid to the Dental Profession in the treatment of Pyorrhea. Use as directed * * * Kojenol will destroy the bacteria that cause Pyorrhea and be helpful in restoring the gums and teeth to a normal condition. * * * A Special Dental Formula for the treatment of * * * Pyorrhea * * * You may use and recommend Kojenol for your patients with the assurance that it will prove highly efficient in the treatment of Pyorrhea Alveolaris, Trench Mouth, Stomatitis and the elimination of pus conditions;" (Kojenol, circular) "You, too may have Beautiful Teeth Free from the Germs that Cause Pyorrhea by the Daily Use of Kojenol. Pyorrhea A Disease to Fear Medical and dental authorities tell us that four out of every five people over forty years of age have Pyorrhea in one form or another; and the seepage of pus into the system from pus pockets that form underneath the gums in the soft tissue of the teeth, cause, or may cause, Kidney Trouble, Intestinal Ulcers and other ills of a serious nature. These same authorities agree that Pyorrhea is the result of bacterial infection. You cannot avoid the ills that come from, and that are a result of, Pyorrhea unless you destroy the germs that cause this dread disease. It is easy to recognize the symptoms of pyorrhea even in its early stages. First, the gums become tender and bleed easily when the teeth are brushed. Next tartar forms around the gum margin with pus exuding from the gums upon slight pressure. At this stage the gums shrink away from the teeth, the teeth become loose and if the ravages of Pyorrhea are not checked the teeth will fall out. * * * How Pyorrhea May Be Checked. At last science has given us a product that will destroy Pyorrhea germs without injuring the tissues of the mouth or gums. Its name is Kojenol, a powerful concentrate antiseptic, specially created for the treatment of Pyorrhea and other diseased conditions of the mouth. * * * While Kojenol is specially created for the purpose of destroying Pyorrhea germs, bear in mind this important fact: When pus pockets have formed underneath the gums in the soft tissue of the tooth, neither Kojenol nor any other product can destroy germs lodged in inaccessible places. To effectually treat Pyorrhea pus pockets must be cleaned and all scale removed from the teeth by your dentist. After this has been done Kojenol, used as directed, will stop bleeding gums, make the teeth firm in the sockets and restore the tissues of the mouth to a healthy condition. What a Famous Health Authority Says about Mouth Infections. 'Mouth infections are claimed to be responsible for a multitude of ills. These ailments begin with shifting pains and end with helpless invalidism. Heart Disease, Rheumatism, Joint Disturbances, Ulcers of the Stomach, Kidney Disease, Changes in the Blood, Intestinal Irregularities, Appendicitis, Increased or Decreased Blood Pressure, Diabetes, Failing Eyesight, Neuritis, Brain Disease—all have been attributed to mouth infection. Kojenol is specially created to check the ravages of Pyorrhea, Bleeding, Receding and Tender Gums, tighten the teeth, destroy disease breeding bacteria in the mouth and stop the pus formation that are so often the cause of the above mentioned ailments. * * * 'You may say for me that I believe Kojenol to be the most efficient treatment for Pyorrhea, the profession has ever known.' * * * Ask Your Druggist for Kojenol and Protect Your Teeth from Pyorrhea Germs."

On January 5, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19033. Misbranding of Dr. Lee's preventive dentifrice. U. S. v. 33 Bottles of Dr. Lee's Preventive Dentifrice. Consent decree providing for release of product under bond. (F. & D. No. 26816. I. S. No. 36191. S. No. 4964.)

Examination of Dr. Lee's preventive dentifrice, from the shipment herein described, having shown that the bottle and carton labels and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Kansas.

On August 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 33 bottles of Dr. Lee's preventive dentifrice at Wichita, Kans., alleging that the article had been shipped by the Dr. Ray O. Lee Laboratories, from Kansas City, Mo., on or about June 13, 1931, and had been transported from the State of Missouri into the State of Kansas, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample taken from this consignment showed that the product consisted essentially of sodium perborate, talc, calcium carbonate, and methyl salicylate.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Dr. Lee's Preventive Dentifrice * * * prevents, helps to correct and eliminate pyorrhea and other infections of the mouth and gums;" (circular) "Dr. Lee's Preventive Dentifrice Dentifrice Formulated and Manufactured By A Specialist in the Care And Preservation Of Teeth And Gums * * * Fill the bristles of the toothbrush with Dr. Lee's Preventive Dentifrice * * * As the gums become firm and healthy * * * A slight stinging sensation may be experienced at the gum margin when the dentifrice is used if there is any infection present. This will disappear in a few days if the directions are followed carefully. * * * Dr. Lee's Preventive Dentifrice firms the gums, gradually healing any soft, spongy, or bleeding tissue. Used as directed, twice a day, it will keep the teeth and gums healthy and prevent the development of pyorrhea in so far as it can be prevented by a safe, non-irritating tooth powder. * * * As a corrective it gives invaluable aid to the dentist in eradicating pyorrhea, * * * and other gingival diseases. * * * Facts About Pyorrhea. Pyorrhea is an insidious disease that progresses through its early stages without the warning of pain. In its later stages the gums become discolored, inflamed and spongy. The teeth gradually loosen because the bony structure about their roots is absorbed into the system due to a lack of the necessary mineral salts in the food, especially calcium. Pus sacs or pockets form on the necks of the teeth and between the teeth where the bony foundation beneath the gums has been lowered. Pyorrhea is now recognized as a systemic disease which not only leads to the premature loss of good sets of teeth but, through poisoning the system, may be responsible for serious disorders elsewhere in the body. See Your Dentist When These First Signs Appear. A Red Inflamed Line About the Margin of the Gums, Bleeding of the Gums When Brushed, Foul Odor and Pus From Between the Teeth, Slight Looseness of the Teeth. Then Brush the Teeth and Massage the Gums Twice Daily With Dr. Lee's Preventive Dentifrice. * * * By putting these rules into effect, one by one over a period of several weeks, along with the daily use of Dr. Lee's Preventive Dentifrice, pyorrhea may be prevented in the mouths of persons as yet immune. Persons having pyorrhea can make permanent the immunity effected by the treatment of their dentists, by practicing the above food combinations and using Dr. Lee's Tooth Powder;" (bottle label) "Prevents Pyorrhea * * * and is very effective in the treatment of pyorrhea, is healing * * * makes soft bleeding gums firm."

On October 3, 1931, Ray O. Lee, Kansas City, Mo., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be delivered to the claimant to be relabeled with labels consistent with the food and drugs act, upon the execution of a bond in the sum of \$500, and that claimant pay all costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19034. Misbranding of Marvel ointment. U. S. v. 1½ Gross Jars of Marvel Ointment. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26814. I. S. No. 25437. S. No. 4969.)

Examination of a drug product, known as Marvel ointment, from the shipment herein described having shown that the carton label and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Missouri.

On July 30, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1½ gross jars of Marvel ointment, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by White & Kleppinger (Inc.), from Chicago, Ill., on or about March 2, 1931, and had been transported from the State of Illinois into the State of Missouri, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of volatile oils (35 per cent, mostly methyl salicylate) incorporated in an ointment base (65 per cent) composed of petrolatum and paraffin.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton label and in the accompanying circular, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "For Rheumatic Pains * * * For Inflammation and Congestion. * * * Used externally, Marvel Ointment will be found to be a very effective remedy in most forms of inflammation and congestion. * * * For coughs * * * nasal catarrh, headache, neuralgia and all affections of the head, throat and lungs. Marvel Ointment should be applied by inhalation. * * * Highly Recommended For the Following: Asthma, * * * Catarrh, Croup, Headache, * * * Itchings, Boils, Whooping Cough, Neuralgia, Bronchitis, * * * Pneumonia, Sore Throat, Piles (Itching), Rheumatic Pains, Also for * * * Aching Feet;" (circular) "Directions * * * Used externally, it acts through the skin * * * The second method of application is by vaporization in which the volatile ingredients of this Ointment are inhaled with each breath and carried direct to the inflamed air passages. Vaporization can be effected by rubbing the Ointment on the throat and chest whereupon the medicated vapors are released by the heat of the body. * * * the efficiency of the Ointment lies in its strength and its burning action is essential for the quick relief of the soreness and congestion."

On December 2, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19035. Adulteration and misbranding of ether. U. S. v. Twenty-five 1-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26910. I. S. No. 31429. S. No. 5094.)

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On September 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of twenty-five 1-pound cans of ether, remaining in the original unbroken packages at Denver, Colo., consigned by Merck & Co. (Inc.), St. Louis, Mo., alleging that the article had been shipped from St. Louis, Mo., on or about September 18, 1930, and had been transported from the State of Missouri into the State of Colorado, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether for Anesthesia, U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated on the label.

Misbranding was alleged for the reason that the statement, "Ether for Anesthesia, U. S. P." on the label, was false and misleading.

On November 2, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the property be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19036. Adulteration and misbranding of ether. U. S. v. Thirty-seven 5-Pound Cans, et al., of Ether. Default decrees of condemnation, forfeiture, and destruction. F. & D. Nos. 27083, 27267. I. S. Nos. 11793, 11797. S. Nos. 5320, 5449.)

Samples of ether from the shipments herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On October 16 and November 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of fifty-nine 5-pound cans of ether, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by Merck & Co. (Inc.), from St. Louis, Mo., in part on or about July 28, 1931, and in part on or about October 22, 1931, and had been transported from the State of Missouri into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether U. S. P."

It was alleged in the libels that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated on the label.

Misbranding was alleged for the reason that the statement, "Ether U. S. P." on the label, was false and misleading.

On December 17, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19037. Misbranding of Mother's Joy Rice's salve. U. S. v. 4½ Dozen Large-Sized Jars, et al., of Mother's Joy Rice's Salve. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26031. I. S. Nos. 16201, 16202. S. No. 4265.)

Examination of a drug product, known as Mother's Joy Rice's salve, from the shipments herein described having shown that the jar and carton labels bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On March 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 4½ dozen large-sized jars and 7½ dozen small-sized jars of Mother's Joy Rice's salve, remaining in the original unbroken packages at Richmond, Va., alleging that the article had been shipped by the Rice Chemical Co., from Greensboro, N. C., on or about July 15, 1928 (and June 27, 1930) and had been transported from the State of North Carolina into the State of Virginia, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of kerosene, methyl salicylate, camphor, menthol, and eucalyptol, incorporated in petrolatum.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing on the jar and carton labels, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Jar) "Pneumonia. Rub one-half [or "one-quarter"] jar or more on chest and throat and apply warm flannel saturated with salve. Apply hot iron to flannel rubbing gently. Apply also between shoulders, under arm-pits, and to seat of pain. Repeat every two hours until relieved. Coughs * * * Rub the salve over chest and throat. In severe cases cover chest with warm flannel saturated with salve. Repeat every two hours until relieved. Coughs, Sore Throat, Bronchitis and La Grippe. Apply the salve over chest and throat. Swallow a small quantity. In severe cases follow di-

rections for Pneumonia. Catarrh and Hay Fever. Snuff a small quantity of the salve up the nostrils morning and night, or oftener if required. In severe cases heat a spoon full of salve and spray with atomizer. Whooping Cough and Asthma. Apply salve over spinal column from neck to hips. Rub over throat and chest. Swallow a small quantity. Repeat until relieved. Inflammations: For Skin Eruptions;" (carton) "When applied externally it acts both externally and internally. * * * An efficient remedy for relief of Croup, Coughs * * * Catarrh, Asthma, Influenza, Pneumonia, Sore Throat, Whooping Cough, * * * Eczema, Bronchitis;" (circular) "Rice's Salve * * * is recommended both for the prevention and relief of the following diseases: Pneumonia, influenza, coughs, * * * la grippe, hay fever, asthma, catarrh, bronchitis, pleurisy and whooping cough, * * * and muscular rheumatism. * * * Rice's Salve may also be used in a Croup Kettle, Steam Vaporizer, and in the many other popular methods of treating diseases of the respiratory tract. * * * For Pneumonia Symptoms—* * * Immediately commence treatment with Rice's Salve. * * * The parts to be treated are the chest, lower part of the throat, abdomen, the sides from the arm pits to the short ribs, and the back between the short ribs. Apply Rice's Salve with hand and rub in well over parts until skin turns red from reaction. Then spread salve on thick and cover with heavy flannel that has been heated. Before renewing treatment go over parts with hot wet cloth and then rub dry. This removes the grease of the preceding application and reopens pores of the skin. Then apply as before. In severe cases apply every six hours until relieved. Put half teaspoonful in the patient's mouth, allow it to melt, and then have the patient swallow. This often relieves soreness of throat and cough in a few minutes. * * * Croup—* * * Rub Rice's Salve freely over chest and throat until difficult breathing is relieved. Then spread on a layer of the Salve and cover with warm flannel. The Salve quickly penetrates to the affected parts and clears the congestion in the air passages * * * Coughs, Bronchitis, Pleurisy and La Grippe—Apply Rice's Salve freely over chest and throat. Then have patient swallow $\frac{1}{4}$ to $\frac{1}{2}$ teaspoonful. In severe cases follow the directions given for pneumonia symptoms. * * * Influenza—Make a thick paste of Rice's Salve and spread over chest and throat freely. Have patient swallow $\frac{1}{2}$ teaspoonful and snuff a small piece of the Salve up the nose as far as possible. * * * Catarrh—Snuff a small piece of Rice's Salve up the nose morning and night, or as often as relief is desired. Be sure to draw it as far up the nostrils as possible, and repeat until you taste it in the throat. In severe cases of catarrh it is a good idea to heat a teaspoonful of the Salve and spray the nose with an atomizer. Whooping Cough, Asthma—Apply Rice's Salve well over the spinal column from neck to hips. This relieves nervous tension. Next rub freely over throat and chest, and in the case of asthma, over the eyes also. It will also be found beneficial to swallow a small quantity, and to snuff it up the nose. This treatment should be repeated until whooping cough or asthma is relieved. Surface Inflammations—Rice's Salve is splendid for the treatment of skin inflammations. It should be spread on freely for best results. * * * muscular rheumatism * * * greatly relieved by its application. By rubbing a little on the temples * * * neuralgia * * * eased. * * * [Testimonials] 'My boy had pneumonia, * * * Used jar of Rice's Salve on throat and chest, in an hour's time his temperature was normal. * * * This is to certify that I have used Rice's Salve for catarrh of the head with great relief. I recommend its use to any one suffering with catarrh. * * * a severe cold which I believe would have developed into pneumonia had I not used your Rice's Salve freely. I can cheerfully recommend Rice's Salve to any one suffering with * * * threatened with pneumonia.' The statements above from the circular, alleged to have been shipped with the article, were quoted in the report to the United States attorney, and were incorporated in the libel through inadvertence. The product in this case contained no circular, the only curative and therapeutic claims found to be in violation of the law being those quoted herein from the jar and carton labels.

On April 24, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19038. Adulteration and misbranding of Kojene: U. S. v. 12 Dozen Packages, et al., of Kojene. Default decrees of condemnation, forfeiture, and destruction. (E. & D. Nos. 27028, 27029. I. S. Nos. 37907, 37928, 37929. S. Nos. 5214, 5227.)

Examination of the labeling and composition of the drug product Kojene having shown that the article was represented to possess curative and therapeutic properties which it did not possess, also that it contained less of the active ingredient, oxyquinoline sulphate, than declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On October 2, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 30 dozen packages of Kojene, remaining in the original unbroken packages at Lancaster, Pa., and Philadelphia, Pa., respectively, alleging that the article had been shipped by the Kojene Products Corporation, from Buffalo, N. Y., in part on or about June 16, 1931, and in part on or about August 11, 1931, and had been transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of oxyquinoline sulphate (0.58 gram per 100 milliliters), and water, flavored with essential oils. Bacteriological examination showed that the article was not a germicide.

Adulteration of the said Kojene was alleged in the libels for the reason that it fell below the professed standard under which it was sold, namely, "Basic Constituent (C_9H_7ON) $_2H_2SO_4$ In Aqueous Dilution 1:100."

Misbranding was alleged for the reason that the following statements in the labeling were false and misleading: (carton) "Basic Constituent (C_9H_7ON) $_2H_2SO_4$ In Aqueous Dilution 1:100 * * * Antiseptic Under Prolonged Contact as Hereon Stated * * * Kojene is often recommended by physicians and dentists as a mouth wash and a gargle for the throat as well as a spray for the nose;" (bottle label) "Basic Constituent (C_9H_7ON) $_2H_2SO_4$ In Aqueous Dilution 1:100 * * * Antiseptic Under Prolonged Contact as Hereon Stated * * * As a gargle use 1 part Kojene to 5 parts water. * * * Spray for the Nose: * * * For Use in the Mouth: * * * use 1 part Kojene and 5 parts lukewarm water. Hold this solution in the mouth for a minute or two, * * * Bad Breath: Use as a mouth-wash * * * Douche: Three tablespoonfuls of Kojene in 1 quart warm water;" (circular) "Kojene is a powerful, non-poisonous, Antiseptic. Medical authorities say that its active principle has greater power to prevent germ infection than Bichloride of Mercury or Carbolic Acid * * * 'Although I have tried other Antiseptics, I find Kojene is the safest, best and most effective.' * * * For many years, women have been told that in order to secure protection against germ infection, they must use Bichloride of Mercury, Carbolic Acid, or some other poison. * * * Remember the active principle of Kojene has Greater Power to Prevent or Arrest Germ Infection than Carbolic Acid, yet it is Non-Poisonous and Absolutely Safe. * * * Kojene used as directed * * * 3 tablespoonfuls to 1 quart of warm water." Misbranding was further alleged for the reason that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed. "Kojene Protects Your Health and Life * * * 'Medical authorities tell us that 85 out of every 100 diseases from which folks suffer are caused by germs. To destroy these germs and prevent them from doing harm, Science has given us Antiseptics and Germicides. For instance, if your skin is scratched, cut or bruised, these deadly germs instantly invade the exposed tissue and failure to quickly stop germ development may prove fatal. Likewise, germs in a sore throat or mouth may produce diphtheria, tonsillitis, quinsy and other serious ailments requiring the prompt attention of your family doctor. To be safe, Always Have A Dependable Antiseptic Ready For Instant Use. Delays Are Dangerous.' * * * Kojene * * * It is used and prescribed by thousands of Physicians and Dentists for the relief of sore throat, bad tonsils, troublesome skin affections, * * * sores, * * * and prevent germ infection. * * * to heal * * * bleeding gums and keep the mouth in a healthy condition. * * * Gargle for Sore Throat—Bad Tonsils. Ordinary sore throat and inflamed tonsils will be promptly relieved by using Kojene as a gargle. * * * Catarrhal Conditions of Nose and Head. * * * Itch-

ing of Eczema and Common Skin Affections. * * * to keep the gums and tissues of the mouth in a clean, normal condition, use 1 part Kojene and 5 parts luke-warm water. * * * Prevents Any Unsightly Sores, Pimples or Redness. * * * Thousands of Physicians and Dentists use and recommend Kojene for sore throat, bad tonsils, catarrhal conditions. * * * various skin troubles, * * * heal bleeding gums, * * * a safe, dependable Antiseptic and its power to prevent or arrest germ infection when used as directed is vouched for by many eminent medical authorities. * * * 'Kojene. I don't want him to be without its great protection.' * * * 'I have been bothered with a skin eruption all my life and never secured permanent relief until I used Kojene.' * * * 'It protects us all.' * * * For the Protection of Yourself—Your Children—Your Family * * * Kojene Gives Security."

On November 2, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19039. Misbranding of Crisp's Tung-Tone and Black Tongue remedy. U. S. v. 10/12 Dozen Packages of Crisp's Tung-Tone, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 26948, 26949. I. S. Nos. 36903, 36904. S. No. 5156.)

Examination of drug products, known as Crisp's Tung-Tone and Crisp's Black Tongue remedy, from the shipments herein described having shown that the packages and accompanying circulars bore statements representing that the articles possessed curative and therapeutic properties which they did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Texas.

On September 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 10/12 dozen packages of Crisp's Tung-Tone and 1 10/12 dozen packages of Crisp's Black Tongue remedy, remaining in the original unbroken packages at Beaumont, Tex., alleging that the articles had been shipped by the S. A. Crisp Canine Co., from Blacksburg, S. C., on or about July 18, 1931, and had been transported from the State of South Carolina into the State of Texas, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that Crisp's Tung-Tone consisted of capsules, each containing calomel (5.5 grains) and sodium bicarbonate (5.7 grains); and that Crisp's Black Tongue remedy consisted of a liquid composed essentially of magnesium hydroxide, calcium carbonate, charcoal, and water, and capsules containing calomel, sodium bicarbonate, and charcoal.

It was alleged in the libels that the articles were misbranded in that the following statements appearing on the packages and in the accompanying circulars, regarding the curative or therapeutic effects of the said articles, were false and fraudulent, since they contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Tung-Tone, package) "Tung-Tone Black-Tongue Preventative * * * Protect the life of your dog by using Crisp's Remedies * * * If Your Dog Develops Black Tongue While Giving This Treatment according to Directions * * *;" (Tung-Tone, circular) "Tung-Tone (Black Tongue Preventative) * * * Symptoms of Black Tongue (Sore Mouth) * * * Direction for Treatment with Crisp's Tung-Tone, the Black Tongue Preventive. * * * The members of the S. A. Crisp Canine Company have been experimenting for the past several years in an effort to locate a cure and preventive for Black Tongue among canines. We now have perfected our preventive and offer it to the public. This preventive is absolutely recommended to protect your dog from disease. This remedy has been under test for the past eight years and there has not been a single case to develop among the dogs wherein the test was being made, although the dogs were exposed, fed and watered with dogs that were in last stages of the disease. You should not be without this preventive. It is an insurance against the disease. A \$1.00 box of these capsules will keep your dog insured for one year; whereas, without them, you may lose a \$75.00 dog;" (Black Tongue remedy, package) "Crisp's (B. T.) * * * Black Tongue Remedy * * * Black Tongue Being a Deadly Disease, We Wish to Emphasize The Fact That Treatment Should Begin With

First Symptoms of the Disease for Best Results. If This Is Done and Instructions Are Carried Out In Regards to Feeding and Watering As Per Circular Enclosed You Will Be Rewarded With Pleasing Results;" (Black Tongue remedy, circular) "We realize that you have had a fear of Black Tongue and we are also aware of the fact that many treatments are recommended of which no member of this company has used successfully, but we have experienced and found that Crisp's B. T. Proved to effect a cure in 97 per cent of cases. We realize that it is a problem to convince the dog owner that Crisp's B. T. will cure his dog of black tongue, due to the fact that so many treatments have been recommended and failed, but let us persuade you that Crisp's B. T. will cure. We say again if you will keep this treatment on your shelf and be ready to check the rapid advance of this deadly disease you may never have another fear or dread of losing that \$75 or \$100 dog with black tongue. * * * Black-Tongue (Sore Mouth) Remedy * * * Symptoms of Black-Tongue (Sore Mouth) * * * We absolutely recommend Crisp's B. T. to cure Black Tongue, but we ask that you do your part, that is, give the treatment before the dog has begun to die. Black Tongue is a deadly disease * * * The advance of this disease is swift and rapid and usually has its deadly effect on the fifth or sixth day unless it has been checked * * * Directions For Treating With Crisp's B. T. The Black-Tongue (Sore Mouth) Remedy."

On October 30, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19040. Adulteration and misbranding of Lav-O-Din. U. S. v. 11 Dozen Bottles of Lav-O-Din. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25674. I. S. No. 21000. S. No. 3945.)

Examination of the drug product Lav-O-Din showed that the carton and bottle labels bore statements representing that the article possessed curative and therapeutic properties which it did not possess. The article was further represented to be antiseptic, whereas it was not.

On January 15, 1931, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 dozen bottles of Lav-O-Din, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the Western Chemical Co. (Inc.), Hutchinson, Minn., on or about December 9, 1930, and had been transported from the State of Minnesota into the State of Wisconsin, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of potassium iodide, sodium chloride, carbonate, alcohol, and water, flavored with cinnamon oil. Bacteriological examination showed that the product was not antiseptic.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, (carton) "Iodine Antiseptic * * * No Germ Can Live In It * * * Kills Germs," (bottle) "Iodine Antiseptic * * * No Germ Can Live In It," and the strength of the said article fell below such standard, since it was not antiseptic.

Misbranding was alleged for the reason that the following statements appearing in the labeling were false and misleading: (Carton) "Ideal Iodine Antiseptic * * * No Germ can live in it * * * Kills Germs * * * laboratory tests show 'No germ can live in Lav-O-Din,'" (bottle) "Iodine Antiseptic * * * No Germ can live in it * * * prevents the Germ-Laden Toothbrush, * * * Laboratory tests show No Germ Can Live In Lav-O-Din." Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, appearing in the labeling, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Wounds, Cuts * * * Boils, Sore Throat, Tonsillitis, Asthma, Catarrh, Hay Fever, * * * Pyorrhea, Eczema, Bleeding Gums, Trench Mouth * * * Dental Treatment For Pyorrhea * * * for sore throat, surgical dressings, * * * wounds, erysipelas. * * * heals bleeding gums and prevents pyorrhea, * * * Retards tooth decay;" (bottle)

"Wounds, Cuts * * * Boils, Sore Throat, Tonsilitis, Asthma, Catarrh, Hay Fever, * * * Pyorrhea, Eczema, Bleeding Gums, Trench Mouth * * * pyorrhea, trench mouth, * * * spongy and bleeding gums—hold in the mouth from 3 to 5 minutes or apply on affected parts with gauze well saturated, allowing it sufficient time to produce its * * * antiseptic. * * * action. * * * retards tooth decay and receding gums by its wonderful * * * antiseptic action. Also prevents the Germ-Laden Toothbrush, which is a menace to the health of the gums. * * * For infections, wounds, cuts, boils, abscesses, carbuncles, running sores, burns, erysipelas, itching eczema, piles in all forms, * * * In sore throat, tonsilitis, quinsy, * * * Nasal catarrh."

On November 10, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19041. Misbranding of Norwich dental cream. U. S. v. 48 Dozen Tubes of Norwich Dental Cream. Default decree of destruction entered. (F. & D. No. 26853. I. S. No. 35372. S. No. 5038.)

Examination of samples of Norwich dental cream showed that the article did not possess certain curative and therapeutic properties claimed for it on the tube and carton labels, also that it contained less alcohol than labeled.

On August 7, 1931, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 48 dozen tubes of Norwich dental cream, remaining in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped by the Norwich Pharmacal Co., from Norwich, N. Y., on or about July 16, 1931, and had been transported from the State of New York into the State of Missouri, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of soap, calcium carbonate, a borate, a small proportion of emetine, alcohol (13 per cent by weight), and water, flavored with peppermint oil.

It was alleged in the libel that the article was misbranded in that the statement, "Alcohol 18%," appearing on the tube containing the said article, was false and misleading, since it contained less than 18 per cent of alcohol. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, appearing in the labeling, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Tube) "Preserves * * * the teeth;" (carton) "Preserves * * * The Teeth. Helps Prevent Decay * * * and Pyorrhea * * * Helps Keep The Gums Firm and Healthy."

On September 30, 1931, no claimant having appeared for the property, judgment was entered finding the product misbranded and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19042. Adulteration and misbranding of ether. U. S. v. 72 Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26344. I. S. No. 28758. S. No. 4667.)

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On February 9, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 72 cans of ether, remaining in the original unbroken packages at Richmond, Va., alleging that the article had been shipped by Merck & Co. (Inc.), from Rahway, N. J., on or about November 24, 1930, and had been transported from the State of New Jersey into the State of Virginia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether for Anesthesia U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from

the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia, in that it contained peroxide.

Misbranding was alleged for the reason that the statement, "Ether for Anesthesia, U. S. P." on the label, was false and misleading.

On July 6, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the property be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19043. Adulteration and misbranding of ether. U. S. v. 20 Cans, et al., of Ether. Default decree of condemnation. Product delivered to Federal agency. (F. & D. No. 27058. I. S. Nos. 34774, 34775. S. No. 5286.)

Samples of ether from the shipments herein described having been found to contain peroxide, indicating deterioration, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On October 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 35 cans of ether at Pittsburgh, Pa., alleging that the article had been shipped by the Mallinckrodt Chemical Works, in part from St. Louis, Mo., on or about June 29, 1931, and in part from Jersey City, N. J., on or about September 21, 1931, and had been transported from the States of Missouri and New Jersey into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia.

Misbranding was alleged for the reason that the statement on the label, "Ether U. S. P.," was false and misleading when applied to ether falling below pharmacopoeial standard.

On December 24, 1931, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal. On December 30, 1931, the marshal was directed by the court to release the product to the Bureau of Industrial Alcohol, instead of destroying it.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19044. Adulteration and misbranding of Lumentol ointment. U. S. v. 4 Dozen Jars of Lumentol Ointment. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26997. I. S. No. 5798. S. No. 5182.)

Examination of a drug product, known as Lumentol ointment, showed that the jar and carton labels and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess. The labels also represented that the article was germicidal and antiseptic, whereas it was not.

On October 2, 1931, the United States attorney for the District of Puerto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of four dozen jars of Lumentol ointment, alleging that the article was in the possession of Moscoso Hermano & Co., Ponce, P. R., and that it was being offered for sale and sold in Puerto Rico, and charging adulteration and misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that it consisted essentially of compounds of bismuth and zinc and a tarry oil, such as cade oil, incorporated in an ointment base perfumed with volatile oils including eucalyptol, menthol, and methyl salicylate. Bacteriological examination showed that the article was not germicidal nor antiseptic.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, (Spanish) "Antiseptic * * * Germicide," whereas the strength of the said article fell below such professed standard, in that it was not antiseptic nor germicidal.

Misbranding was alleged for the reason that the statements on the carton and jar labeled in Spanish, "Antiseptic * * * Germicide," were false and misleading when applied to an article that was not germicidal nor antiseptic.

Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, appearing in Spanish on the carton and jar labels and in the accompanying circular, were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Lumentol The Marvelous Ointment King of diseases of the skin. Recommended against inflammation * * * of the skin, hemorrhoids. Destroys the animal and vegetable parasites. * * * Of marvelous results against: Eczema, Tumors, Ulcers, Pimples, Abscesses, Boils, Whitlows, Tumors in the armpits, Pustules and other Affections of the skin;" (jar) "Ointment 'Lumentol' * * * Of marvelous results against: Eczema, Tumors, Ulcers, Pimples, Abscesses, Boils, Whitlows, Tumors in the armpits, Pustules and other Affections of the skin;" (circular) "Ointment 'Lumentol.' This marvelous ointment, miraculous creation, has been used by the author for over ten years in numerous cases of affections of the skin, having obtained positive results, and in many cases avoiding surgical intervention. We are indicating herewith the cases in which this ointment has given magnificent results, and also in all general cases of affections of the skin. Boils * * * Pustules, Groins, Ringworms, Eczema, Ulcers, Carbuncles, Boils, Tumors in the Armpits, Abscesses, Tumors * * * observe a diet in accordance with the seriousness of the affection * * * because of its medicinal and curative properties and because of the magnificent success obtained during ten years of continuous use in the treatment of all the affections of the skin."

On November 28, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19045. Misbranding of Kelpor. U. S. v. 4½ Dozen Boxes, et al., of Kelpor.
Default decrees of condemnation, forfeiture, and destruction.
 (F. & D. Nos. 26716, 26717. I. S. Nos. 22269, 22270. S. Nos. 4823, 4824.)

Examination of the drug product Kelpor showed that the circular accompanying the article contained statements representing that it possessed curative and therapeutic properties which, in fact, it did not possess. It was also claimed for the article that it was a natural food and medicine combined, whereas it was not.

On July 2, 1931, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of five and two-thirds dozen boxes of the said Kelpor, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by P. A. Tucker, from Portland, Oreg., in part on or about September 17, 1930, and in part on or about March 15, 1931, and had been transported from the State of Oregon into the State of Washington, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the article by this department showed that it consisted essentially of mineral matter, mainly aluminum silicate and iron oxide with small proportions of other iron and magnesium compounds, including sulphate and phosphate, and traces of calcium compounds and sulphur.

It was alleged in the libels that the article was misbranded in that the following statements appearing in the circular accompanying the article were false and misleading: "H. H. Brooten's Mineral * * * The natural food and medicine combined." Misbranding was alleged for the further reason that the following statements appearing in the said circular, regarding the curative and therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Testimonials) "'Greatly benefits sugar diabetes. I had been suffering with Sugar Diabetes for about ten years. My toes were sloughing; I had lost all my toe nails, and it looked as if my toes would come off. I was unable to walk or sit up and was eating very little. Two weeks after using Brooten's Mineral, my feet were healed and I could walk a few steps. The sugar disappeared and I am now able to eat anything I wish * * * I have used Brooten's Mineral for two years for infection, and in my opinion was greatly benefited by using it. * * * I was confined to my bed for one and one-half years with anemia. I was given thirteen blood transfusions but got no better. I tried H. H. Brooten's Mineral. In less than 48 hours I began to perspire and my internal heat was gone. My appetite began to improve and in forty days my blood test showed 60 per cent. I recommend Brooten's Mineral for run down physical condition. * * * I was suffering with a sore leg for many

years. Sometimes it would swell up double in size and at times would break out in big sores that would burn like fire and many hard lumps started from my groin down to my knee, and I felt I was going to my end pretty fast. I tried all kinds of salve and liniment and doctors, but it only got worse. I heard of H. H. Brooten. After my stomach was healed my legs and the lumps in my groin healed, too, and now I am enjoying the best of health. * * * I suffered for two years from gastritis. Doctors called it ulcer of the stomach. I had an operation but got worse instead of better. Then I tried Brooten's Mineral. I gained 40 pounds and am now well and active, running my dairy farm. * * * I had been suffering with a sickness that I could hardly explain. At times I had rheumatism, then again my stomach was so badly out of order that I hardly knew what to eat, and I can say I never felt well. I enlisted for Siberia and was there several years, but the army life proved to be more than I could stand and when I landed in the U. S. again, I was a total wreck. A friend of mine informed me about Mr. H. H. Brooten's wonderful treatment and remedy, which I took for the required time. I am the happiest man in the world to know that I have no constitutional disease in my system at all, and my health is in perfect condition. * * * I was suffering with a pain in my left side so that I could hardly walk and had to leave my work at the telephone switchboard. I sought medical aid, but to no avail. The muscles and nerves pulled me over to one side and I had to walk with a cane. I took H. H. Brooten's treatment and got better right along. In three weeks I was in the best of health and took up my work. I will say that H. H. Brooten saved my life. * * * I wish to express my thanks to Mr. H. H. Brooten for the great benefit I received from his wonderful treatment for a severe womb trouble from which I suffered many years. But it lasted only a few days when I took baths and treatments. The result was that two tumors were removed from the womb without any noticeable pain from the effects, and I am now in good health. * * * I had a sore on my face for about 12 years. I consulted three doctors and had received no benefit from their treatment. I used Brooten's Mineral. It healed the sore entirely, and it has remained healed. * * * My ailment was diagnosed as stomach trouble. I have been using Brooten's Mineral for six weeks and in my opinion am greatly benefited from using it.' * * * Brooten's Mineral is not a physic but is corrective in its action."

On October 23, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19046. Misbranding of Jones' liniment. U. S. v. 2 Dozen Small-Sized Bottles, et al., of Jones' Liniment. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26075. I. S. No. 15796. S. No. 4251.)

Examination of the drug product Jones' liniment having shown that the bottle and carton labels and an accompanying circular contained statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the District of Massachusetts the interstate shipment herein described, involving a quantity of the product located at Boston, Mass.

On March 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 2 dozen small bottles and 1½ dozen large bottles of Jones' liniment, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the M. Spiegel Medicine Co., from Albany, N. Y., on or about January 27, 1931, and had been transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a petroleum distillate such as gasoline, methyl salicylate, pine-tar oil, camphor, and capsicum oleoresin.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "For the Treatment of Rheumatism, Neuralgia, Headache, Backache, * * * Lameness, Bunions, Coughs, Colic and All

Bodily Pains. * * * This Liniment is used for strengthening weak back or limbs, and healing bodily pains and inflammations. Apply to chest for coughs * * *. In protracted pain a cloth moistened with the liniment may be applied until relief is experienced;" (carton) "For Rheumatic Pains, Neuralgia, Sore Throat and Quinsy, Headache (Nervous) * * * Backache * * * Lameness, Chilblains * * * It is good for Rheumatism, Lumbago, Neuralgia, Colic and Cramps, Headache, Earache, Cold in the Chest and Lungs, * * * Gout, Sore Throat, * * * Aching Feet, Inflammation * * * A pain killer that will relieve these afflictions is an absolute necessity to everybody. It is the best safeguard against suffering from Accidents * * * quick relief will be obtained by binding with a cloth or flannel. In severe cases the liniment should be rubbed * * * until relief is experienced;" (circular) "For Rheumatic and other pains in the joints, lower limbs or hips, apply Jones' Liniment * * * Apply a cloth saturated with the Liniment to reduce inflammation and swelling. * * * For Backache, pains in the sides, shoulders, stiff neck and joints, apply the Liniment * * * For Neuralgia in the head, keep the temples bound up with a linen cloth saturated with Jones' Liniment, and apply it to back of the neck and ears. * * * For Nervous Headache, apply Jones' Liniment to the forehead, back of the neck, behind the ears, and inhale the fumes. For Sciatica, * * * For Sore Throat and Quinsy, * * * For Earache, * * * For * * * Swellings, * * * For Pains in Chest and Lungs, * * * For Bunions, * * * For Corns, * * * For * * * Weak Joints and Ankles, * * * For Colic, Cramps, Cholera Morbus and other internal pains * * * cracked heels * * * scratches, cramps or contraction of the muscles, sore throat, colic, distemper, epizootic, * * * and other diseases that can be reached by external application. * * * For The Flu, Cough, * * * Bronchitis * * * will * * * relieve * * * catarrhal conditions."

On November 23, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19047. Misbranding of Pancreobismuth and pepsin. U. S. v. 12 Dozen Bottles of Pancreobismuth and Pepsin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26918. I. S. No. 30450. S. No. 5098.)

Examination of a drug product, known as Pancreobismuth and pepsin, from the shipment herein described showed that the bottle and carton labels and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess. The labeling further represented that the article contained appreciable quantities of pancreatin and diastase, whereas it contained but a negligible proportion of such substances.

On August 28, 1931, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 12 dozen bottles of Pancreobismuth and pepsin, remaining in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by the George C. Frye Co., from Portland, Me., on or about June 30, 1931, and had been transported from the State of Maine into the State of New York, and charging misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that it contained a bismuth compound, sodium bicarbonate, a proteolytic enzyme such as pepsin, ginger, and a small proportion of an amylolytic agent such as pancreatin or diastase. It was capable of digesting not more than two-thirds of its weight of starch within five minutes at 40° C.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the bottle and carton labels and in the accompanying circular, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "A Valuable Remedy for Dyspepsia;" (carton) "This preparation will be found especially adapted to cases of Dyspepsia, and a valuable remedy in Cholera Infantum, Cholera Morbus, and Diarrhoea. * * * Dose: * * * impaired digestion the dose may be increased to one teaspoonful. * * * A valuable remedy

for * * * Sick Headache and Sea Sickness which are to a great degree, due to indigestion;" (circular) "A valuable remedy for indigestion * * * Not only will Pancreobismuth relieve indigestion but in many cases it will prevent disorders of the intestinal tract. It is equally resultful for Sick Headache, * * * Diarrhoea, Baby Colic (Cholera Infantum) and Seasickness." Misbranding was further alleged for the reason that the name of the article, "Pancreobismuth and Pepsin," the statement on the carton and bottle label, "A combination of the digestive ferments Pepsin, Pancreatin, and Diastase," and the statement on the carton, "Pancreatine converts albuminoids into peptones, starch into dextrine and sugar," were misleading, since the article contained but a negligible proportion of pancreatin and/or diastase.

On October 5, 1931, no claimant having appeared for the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19048. Misbranding of Jenkins' rheumatic medicine. U. S. v. 27 Bottles of Jenkins' Rheumatic Medicine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26098. I. S. No. 8463. S. No. 4396.)

Examination of samples of Jenkins' rheumatic medicine showed that the bottle and carton labels contained representations that the article possessed curative and therapeutic properties which, in fact, it did not possess. Analysis showed that the article contained less alcohol than declared on the label.

On or about April 2, 1931, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 27 bottles of the said Jenkins' rheumatic medicine, remaining in the original packages at Houston, Tex., alleging that the article had been shipped by McKesson Parker Blake Co., from New Orleans, La., on or about April 28, 1930, and had been transported from the State of Louisiana into the State of Texas, and charging misbranding in violation of the food and drugs act as amended. The bottle and carton labels bore, among others, the following statements: "Rheumatic Medicine * * * For Inflammatory Rheumatism, first attack in adult males, * * * Where there have been previous attacks, the medicine should be longer continued. In Chronic Rheumatism, * * * 3 times a day until the pains are evidently decreased. * * * These pains will probably return at intervals of two or three days, for two or three successive times."

Analysis of a sample taken from this consignment showed that the article consisted essentially of salicylic acid (0.63 gram per 100 milliliters, 1.44 grains per tablespoonful), a small proportion of material derived from a plant drug, alcohol (32 per cent by volume), and water, flavored with anise oil.

It was alleged in the libel that the article was misbranded in that the statement appearing on the label, relative to the volume of alcohol contained in the article, namely, "48% Alcohol by Volume," was false and misleading. Misbranding was alleged for the further reason that the label did not state correctly the quantity or proportion of alcohol contained in the article. Misbranding was alleged for the further reason that the labels of the bottles and cartons containing the article bore statements regarding its curative and therapeutic effects, which statements were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On October 7, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19049. Misbranding of Espiritu Water No. 2. U. S. v. 4 Cases of Espiritu Water No. 2. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27302. I. S. No. 38888. S. No. 5482.)

Examination of samples of mineral water, labeled Espiritu Water No. 2, from the shipment herein described showed that the labeling contained unwarranted curative and therapeutic claims. Examination further showed that the analysis printed on the label was incorrect and that the quantity of contents was not declared as required by law.

On November 30, 1931, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for the district aforesaid a libel praying seizure and condemnation of four cases of Espiritu Water No. 2, remaining in the original unbroken packages at Franklin, Mass., alleging that the article had been shipped by the Espiritu Water Co., from Safety Harbor, Fla., on or about October 26, 1931, and had been transported from the State of Florida into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the dissolved mineral matter consisted chiefly of chlorides of sodium, magnesium, and calcium, sulphate of calcium, and bicarbonate of calcium.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the article, appearing on the bottle label and in the accompanying circular, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "No. 2 Water is used for: Kidney Stones, Neuritis, Rheumatism and other Kidney Irregularities. The Fountains of Youth * * * These waters have actually cured Bright's Disease, Bladder Troubles, Diabetes, Dropsy, High Blood Pressure, Gout, Neuritis, Stomach and Bowel Troubles, Rheumatism, Eczema and Psoriasis. * * * in Diseases of the Stomach, Liver and Kidneys, Rheumatism, Neuritis and Kidney Stones. The waters from these Springs are famous for their miraculous cures;" (circular accompanying only one of the shipping cases, front) "Endorsed and recommended by some of the most renowned physicians for Bright's Disease, Bladder Troubles, Diabetes, Dropsy, High Blood Pressure, Gout, Cystitis, Neuritis, Calculus, Sciatica and all other forms of Rheumatism, also Catarrh of the Stomach and Digestive Troubles of the Stomach and Bowels; Chronic Skin Diseases, especially the Squamous varieties, and Chronic conditions due to Malarial Infections. Not only recommended, but actually cures. The waters from these Springs have performed miracles;" (back of circular) "For Diabetes this Water stands alone. Beneficial for many Kidney and Rheumatic Conditions." Misbranding was further alleged for the reason that the article was labeled and branded so as to deceive and mislead the purchaser, in that the label bore a statement of analysis that was false and misleading. Misbranding was further alleged in that the article was food in package form and did not bear a statement of the quantity of contents.

On December 29, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19050. Misbranding of Dr. Smiley's Pyrozone. U. S. v. 27 Bottles of Dr. Smiley's Pyrozone. Default decree of destruction. (F. & D. No. 26723. I. S. No. 25529. S. No. 4867.)

Examination of a drug product, known as Dr. Smalley's Pyrozone, from the shipment herein described having shown that the labeling bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Missouri.

On June 30, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 27 bottles of Dr. Smiley's Pyrozone, remaining in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped by the Smiley Medicine Co., from Augusta, Kans., on or about May 22, 1930, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of tannin, sodium chloride, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton and bottle labels, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Dr. Smiley's Pyrozone for Sore, Loose Teeth and Bleeding Gums, for Sore Throat * * * The most dreaded disease of the mouth is Pyorrhea. Pus forming in the Pyorrhea pockets is a common cause of indigestion and nervous exhaustion."

On December 14, 1931, no claimant having appeared for the property, a decree was entered by the court adjudging the product misbranded and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19051. Misbranding of Scott's Arabian paste. U. S. v. 5% Dozen Small-Sized Packages, et al., of Scott's Arabian Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27393. I. S. Nos. 42034, 42035. S. No. 5558.)

Examination of a drug product, known as Scott's Arabian paste, from the shipment herein described having shown that the labeling bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On December 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 5% dozen small packages and 1% dozen large packages of Scott's Arabian paste, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by Scott's Hoof Paste Co., from Rochester, N. Y., on or about November 17, 1931, and had been transported from the State of New York into the State of Maryland, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a rosin and petroleum base containing balsams and copper compounds.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Tin container label, both-sized packages) "Scott's Arabian Paste * * * Removes Soreness and Inflammation, no matter where found. Man or Beast. Rub All Swollen Parts Thoroughly. Use Lightly on Raw Sores. * * * Will positively heal any sore, of any kind, from any cause. It removes all swelling and inflammation, heals from the bottom and leaves neither bunch nor scar on man or beast. * * * For harness galls, boils, cuts, rope burns, wire fence cuts, sore cords, * * * scratches, grease and cracked heels, thrush, nails in the foot, stone bruise, corns, contracted feet, quarter cracks, etc., foot ail in cows and sheep, caked udder in the cow."

On January 20, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19052. Misbranding of Sal-Tonik. U. S. v. 43 Blocks of Sal-Tonik. Tried to a jury. Directed verdict for the Government. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 746-C. I. S. No. 2983-x. S. No. 684.)

Examination of samples of Sal-Tonik having shown that the article did not possess certain curative or therapeutic properties claimed for it in the labeling, the matter was reported to the United States attorney for the District of Kansas by an official of the State of Kansas acting under authority of the Secretary of Agriculture.

On February 28, 1928, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 43 blocks of Sal-Tonik at Fort Scott, Kans., alleging that the article had been shipped by the Guarantee Veterinary Co., from Sioux City, Iowa, on or about June 21, 1927, and had been transported from the State of Iowa into the State of Kansas, and charging misbranding in violation of the food and drugs act as amended. On November 12, 1931, the said libel was amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium chloride (89.4 per cent), sodium sulphate, calcium carbonate, small proportions of an iron compound and sulphur, and a trace of a magnesium compound.

It was alleged in substance in the libel as amended that the article was misbranded in that certain statements regarding the therapeutic effects of the article, appearing in the labeling, conveyed the impression that it would prevent contagious abortion in animals, whereas it would not.

On November 14, 1931, the Guarantee Veterinary Co., Sioux City, Iowa, having theretofore entered an appearance as claimant for the property, the case came on for trial, before the court and a jury. The Government having introduced evidence in support of the charges of the libel, and no evidence having been submitted on behalf of the claimant, on motion of the United States attorney the court instructed the jury to return a verdict for the Government. Judgment of condemnation and forfeiture was thereupon entered, and the court ordered that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19053. Misbranding of Taylor's Royal Brand Green Seal pills. U. S. v. 45 Packages of Taylor's Royal Brand Green Seal Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27282. I. S. No. 38976. S. No. 5410.)

Examination of a drug product, known as Taylor's Royal Brand Green Seal pills, from the shipment herein described having shown that the labeling bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On November 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 45 packages of Taylor's Royal Brand Green Seal pills, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Horace B. Taylor Co., from Philadelphia, Pa., on or about July 14, 1931, and had been transported from the State of Pennsylvania into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the pills consisted essentially of ferrous sulphate (0.26 grain each), ginger, licorice, a small proportion of soap, and aloë.

It was alleged in the libel that the article was misbranded in that the statement, "A female pill used in amenorrhea, dysmenorrhea and other menstrual disorders," appearing in the labeling was false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On December 29, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19054. Misbranding of Tolysin tablets. U. S. v. 3 Dozen Cartons of Tolysin Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27222. I. S. No. 38431. S. No. 5390.)

Examination of a drug product, known as Tolysin tablets, from the shipment herein described having shown that the carton label bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Puerto Rico.

On November 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three dozen cartons of Tolysin tablets at San Juan, P. R., alleging that the article had been shipped by the Calco Chemical Co. (Inc.), Bound Brook, N. J., on or about July 22, 1931, to San Juan, P. R., and that it was being offered for sale and sold in Puerto Rico by Serra Garabis & Co. (Inc.), of San Juan, P. R., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of neocinchophen (0.33 gram per tablet), starch, and talc.

It was alleged in the libel that the article was misbranded in that the following statements on the carton label, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "For gout, rheumatism, rheumatic fever, arthritis, neuralgia, neuritis, sciatica, lumbago, painful inflammatory conditions, etc.; also for soothing headaches due to * * * menstrual disorders."

On December 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19055. Misbranding of Emsules. U. S. v. 22 Packages of Emsules. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27239. I. S. No. 37966. S. No. 5395.)

Examination of a drug product, known as Emsules, from the shipment herein described having shown that the labeling represented that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On November 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 22 packages of Emsules, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped by H. Planten & Son (Inc.), from Brooklyn, N. Y., on or about August 11, 1931, and had been transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a fatty oil, volatile oils including pennyroyal oil, savin oil, and parsley oil and a red dye.

It was alleged in the libel that the article was misbranded in that the statement, "For the treatment of Amenorrhea, Dysmenorrhea, Painful and Irregular Menstruation," regarding the curative or therapeutic effects of the said article was false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On December 8, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19056. Misbranding of 4-44. U. S. v. 72 Bottles of 4-44. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27215. I. S. No. 38435. S. No. 5369.)

Examination of a drug product, known as 4-44, from the shipment herein described having shown that the bottle and carton labels bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Puerto Rico.

On November 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 72 bottles of 4-44, alleging that the article had been shipped by the United Laboratories, Tampa, Fla., on or about September 19, 1931, to Santurce, P. R., and that it was being offered for sale and sold in Puerto Rico by Arcadio Saldana, of Santurce, P. R., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of Epsom salt (14.3 grams per 100 milliliters), and small proportions of ammonium, sodium, and potassium compounds, phosphates, salicylates, and water, sweetened with saccharin and sugar, and colored with an aniline dye.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the article, appearing on the bottle and carton labels, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "4-44 Four Forty-Four. For Forty-Four diseases—including liver, kidney and stomach troubles, * * * indigestion and influenza. Indicated in the treatment of rheumatism, coughs, * * * jaundice, sour stomach, * * * colic, heartburn, * * * headache, lazy feeling, loss of appetite. This preparation builds and purifies the blood, giving new life because of the vital elements it contains;" (carton label) "4-44 (Four Forty-Four) * * * A Marvelous Medicine For Many Maladies For * * * Influenza, Indigestion, Torpid Liver, Kidney and Bladder Diseases. Relieves a long list of ailments due to sluggish liver and disordered kidneys. Corrects disorders

due to constipation, and related symptoms: dizziness, foul breath, painful or over frequent urination, coughs, chills, fever, rheumatism, and malaria * * * contains * * * Medicinal Elements Vital to Blood Nourishment and Assimilation of Food, Good Digestion and Vitality the Medicinal Base of this Preparation begins to build you up from the first dose."

On December 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19057. Misbranding of 4-44. U. S. v. 23 Bottles of 4-44. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27214. I. S. No. 38430. S. No. 5368.)

Examination of a drug product, known as 4-44, from the shipment herein described having shown that the bottle and carton labels bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Puerto Rico.

On November 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 23 bottles of 4-44, alleging that the article had been shipped by the United Laboratories, Tampa, Fla., on or about May 9, 1931, to San Juan, P. R., and that it was being offered for sale and sold in Puerto Rico by Serra, Garabis & Co. (Inc.), of San Juan, P. R., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of Epsom salt (14.3 grams per 100 milliliters) and small proportions of ammonium, sodium and potassium compounds, phosphorus, salicylates, and water, sweetened with saccharin and sugar, and colored with an aniline dye.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the article, appearing on the bottle and carton labels, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "4-44 Four Forty-Four For Forty-Four diseases—including liver, kidney and stomach troubles, * * * indigestion and influenza. Indicated in the treatment of rheumatism, coughs, * * * jaundice, sour stomach, * * * colic, heartburn, * * * headache, lazy feeling, loss of appetite. This preparation builds and purifies the blood, giving new life because of the vital elements it contains;" (carton label) "4-44 (Four Forty Four) * * * A Marvelous Medicine For Many Maladies For * * * Influenza, Indigestion, Torpid Liver, Kidney and Bladder Diseases. Relieves a long list of ailments due to sluggish liver and disordered kidneys. Corrects disorders due to constipation, and related symptoms: dizziness, foul breath, painful or over frequent urination, coughs, chills, fever, rheumatism, and malaria * * * Contains * * * Medicinal Elements Vital to Blood Nourishment and Assimilation of Food, Good Digestion and Vitality the Medicinal base of this Preparation begins to build you up from the first dose."

On December 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19058. Misbranding of Elder Hook's healing balm. U. S. v. 69 Packages of Elder Hook's Healing Balm. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27244. I. S. No. 38931. S. No. 5388.)

Examination of a drug product, known as Elder Hook's healing balm, from the shipment herein described having shown that the box label bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On November 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 69 packages of Elder Hook's healing balm, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been opened by the A. Perley Fitch Co., from Concord, N. H., on or about July 22,

1931, and had been transported from the State of New Hampshire into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a volatile oil such as pine-needle oil incorporated in an ointment base.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottom label) "Directions for Croup, Diphtheria, Bronchitis, Hacking Cough, Asthma or Phthisic, Weak or Sore Lungs, Canker in the Throat or Stomach, use internally and externally. For * * * Piles and Sores, apply outwardly;" (cover label) "Healing."

On December 7, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19059. Misbranding of garget cure. U. S. v. 2½ Dozen Bottles of Garget Cure. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27272. I. S. No. 38977. S. No. 5415.)

Examination of a drug product, known as garget cure, from the shipment herein described having shown that the carton and bottle labels and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On November 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of two and one-half dozen bottles of garget cure, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by V. E. Cox, from Portland, Me., on or about September 28, 1931, and had been transported from the State of Maine into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of potassium iodide (6 grams per 100 milliliters), glycerin, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "Garget Cure;" (carton) "Garget Cure For the Prevention and Cure of Garget in Cattle * * * One Dose given to a cow every month will prevent Garget. * * * This bottle contains three doses and is sufficient for the cure of any case of Garget in cattle. See references on circular;" (circular) "Garget Cure for the Cure and Prevention of Garget in Cattle. * * * The symptoms of Garget in Cows are: tightness of the skin, swelling of the udder, stringy or bloody milk, a dullness about the eyes, stiff joints, general languor and debility; and the cause is cold, improper food, uncleanness, being kept for a long time on hay only, and a variety of other causes. When the Epizootic was having its run all over the country, I dispensed quantities of Horse Medicines, and since that time I have given much attention and study to the diseases of horses and cattle. In the spring of 1872, a gentleman of this town had a valuable cow attacked with garget. The animal became very poor, was stiff in the joints, hide bound, refused food, and he thought he should lose her. After trying all the common remedies without effect, he came to me for medicine. I gave him Garget Cure, with directions how to use it, and in 48 hours the cow was entirely rid of the disease; dullness about the eyes disappeared, and the animal rapidly recovered. This gentleman had a brother, living in a neighboring town, who owns a fine herd of cows; one of these had garget, and I sent him a bottle of the Garget Cure, with the same result. The cure of the cow immediately followed. Others in that vicinity ordered it, and gave it with the same remarkable success. Soon I began to have orders from Wells, Sanford, and other towns in this vicinity, and, being

anxious to know if it kept up its reputation, I have inquired of almost every one who used it, and they have invariably told me that it cured their cows immediately. The following named gentlemen are a few who have used the Garget Cure: * * * I am now having so many orders for this Garget Cure that I have concluded to put it up in bottles of three doses each (enough to cure any case of Garget), and introduce it to the public, hoping that it may be the means of saving many valuable cows. Who would not be willing to pay the price of a bottle of this Medicine (50 cents) rather than dose a sick cow two or three weeks with garget root or herb tea; or roweling, which is a troublesome matter; or even employing a cow doctor, who pretends to know all about sick cattle and don't know anything, and, after she is dead and buried, brings in a bill, 'For doctoring your cow till she died, Five Dollars,' when two or three doses of this preparation, one dose given every 24 hours in a little meal or other feed, will cure her. It is seldom necessary to give the three doses, as one or two are generally sufficient to perfect a cure, unless in very obstinate cases. One dose given every month will positively Prevent any cow ever having the garget—and it is well to keep it on hand and give a dose occasionally. Those who keep a herd of valuable cows, need not be afraid to give it according to directions, as it is an entirely safe, although powerful remedy. In my experience as a Druggist, I see many Proprietary Medicines recommended for cure of all kinds of diseases—no matter if the diseases are entirely opposite in character, they cure everything. This Medicine is Not Recommended for All Diseases of Cattle. Garget It Will Cure, Surely and Speedily! * * * Each bottle is sufficient for cure of one animal. * * * Directions for Giving the Garget Cure. * * * Special Directions.—When the udder or teats are swollen, or bunches appear on the bag, rub the bag or teats with the Garget Cure diluted with water, twice a day, and in two or three days the bunches or swelling will disappear. * * * [Testimonials appearing in circular] 'Gents:—I had a cow that had the garget; would have sold her for five dollars. I used one bottle of Wallingford's Garget Cure, and seventy-five dollars would not buy her; the cow is now well.' * * * 'I can most fully recommend Wallingford's Garget Cure, as I have known several instances where it has performed cures in bad cases, even when cows have given bloody milk, and almost lost the use of one teat.' * * * 'Wallingford's Garget Cure. I have sold it and find it all it claims to be: sure cure.' * * * 'I had a cow whose bag was swelled bad; gave milk from two teats only. Used Wallingford's Garget Cure, and two doses cured her; have had no trouble since.' * * * 'He says two doses cured her, and she had it "the worst kind,"' * * * 'I have a valuable heifer that was taken with Garget last June. I tried every remedy that I could think of; one night she was down in the pasture and could not get up. I gave her one dose of the Garget Cure, and instead of finding her dead, as I expected to in the morning, she was up and feeding. I gave her the remainder of the bottle, and she was well in four days.'"

On December 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19060. Misbranding of Walker's Old Indian health tonic. U. S. v. 2 Dozen Bottles of Walker's Old Indian Health Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26976. I. S. No. 15967. S. No. 5177.)

Examination of the drug product, Walker's Old Indian health tonic, showed that the bottle label bore statements representing that the article possessed curative and therapeutic properties which it did not possess.

On September 23, 1931, the United States attorney for the Middle District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of two dozen bottles of Walker's Old Indian health tonic at Burlington, N. C., alleging that the article had been shipped by the Walker Medicine Co., from Atlanta, Ga., on or about April 11, 1931, and had been transported from the State of Georgia into the State of North Carolina, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of magnesium sulphate, ferric chloride, a trace of quinine sulphate, and water.

It was alleged in the libel that the article was misbranded in that the bottle label bore the following statements regarding the curative or therapeutic effects of the said article, which were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "Walker's Old Indian Health Tonic The Unfailing Remedy for Laziness and a Drowsy, Tired, Sleepy Feeling. * * * Indigestion, * * * Dizziness, Sick Headache, Numbness or Chills, Kidney or Bladder Troubles, * * * Piles, Jaundice, Dropsy * * * Weakness, Tired Feeling, Stimulates and Purifies the Blood."

On December 22, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19061. Misbranding of Ru-Co the Wonderful. U. S. v. 40 Bottles, et al., of Ru-Co the Wonderful. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 27085, 27202. I. S. Nos. 24247, 36892. S. Nos. 5313, 5344.)

Examination of a drug product, known as Ru-Co the Wonderful, showed that the circular shipped with the article contained statements representing that it possessed curative and therapeutic properties which it did not possess.

On October 19, 1931 and November 2, 1931, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of two lots of the said Ru-Co the Wonderful, consisting of 40 bottles and 72 bottles, respectively, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Clyde Collins Chemical Co. (Inc.), from Memphis, Tenn., in part on or about August 12, 1931, and in part on or about September 28, 1931, and had been transported from the State of Tennessee into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium sulphate (Glauber's salt), magnesium sulphate (Epsom salt), and small proportions of citric acid, tartaric acid, and a carbonate, sweetened with saccharin.

It was alleged in the libels that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the circulars, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Statements in circulars accompanying both lots) "The direct effect of Ru-Co is to thoroughly cleanse the body of food waste and fermentation and to stimulate the elimination of acids and impurities from the blood. Ru-Co is a positive blood and digestive purifier and corrective of auto-intoxication. We have in our files hundreds of authenticated reports of cases benefited by Ru-Co. * * * Rheumatism Acute—Chronic—Sciatica Acute Rheumatism affects the smooth membrane of the joints and often extends to the Heart and Brain. There is coated tongue and constipation. Ru-Co offers a treatment which has proven its merit in thousands of cases. Chronic Rheumatism is aggravated by wet, cold weather. After long continuance, the joints may become enlarged and stiff. Muscular or Sciatica (Lumbago) causes great suffering and often leaves a hopeless cripple unless properly treated. Directions for Rheumatism: Take two level teaspoonfuls Ru-Co before breakfast until you have taken at least two bottles. * * * Cause of Rheumatism. Most authorities now agree that it is the result of too much acid in the system formed by accumulation of poisonous waste matter. Ru-Co goes right to the cause of the trouble. It cleans the system of undigested food, stops the acid-forming fermentation and stimulates the liver and other organs to drain away the acids and other impurities in the blood, thus relieving the muscles and joints of irritation. If you are a sufferer from Rheumatism, take this sample of Ru-Co tonight before supper. Watch how it makes you feel better next day. Watch how it goes right to the source of the trouble and, from the very first dose, starts to rid your system of the poisonous waste and fermentation which have caused you to suffer. * * * Also, colds so frequently lead on to other more dangerous diseases. Drainage from nose, throat and lungs enters the digestive system and is absorbed into the blood, causing headache and general pain, depression and loss of vitality. Ru-Co positively cleans

the digestive system of poison. * * * Indigestion. We overload our stomachs, rich food causes indigestion, food spoils in the body. Ru-Co relieves the stomach of this burden. The digestive system is given a chance to repair itself. * * * A thorough treatment will effect permanent relief. * * * Heartburn is just an effect of indigestion. The remedy is to cure the indigestion. Ru-Co will relieve heartburn in fifteen minutes. Ru-Co will positively cure indigestion;" (additional statements on circular accompanying one lot) "Ru-Co * * * to harmonize performance and avoid unpleasant disturbance of the digestive system. * * * Ru-Co will relieve any case of indigestion in fifteen minutes. * * * Constipation This is the great curse of the civilized people. * * * Ru co corrects constipation. One dose helps but a thorough treatment is necessary for permanent relief. * * * We guarantee Ru-Co in any case of chronic constipation in thirty days. * * * Facts on Reducing. Ru-Co Reducing Salts * * * Fat is * * * unhealthy. And it is unnecessary. Fat means you are doing * * * things which are * * * injuring your health and shortening your life. * * * After Thirty Most people eat too much. * * * Their food goes to soft, unhealthy fat instead of energy. * * * bacon and wheat cakes * * * Swiss cheese and rye bread—all * * * bad for * * * health * * * Constipation. The scientific name is auto-intoxication. Fat people tend to be constipated. This is partly because free passage through the digestive system is prevented by masses of fat. Also, fat people are usually indolent and the bowels, too, are lazy. Putrefaction. When food remains too long it actually rots inside the body and fills the blood with poison. The result is * * * loss of physical and mental energy. Remedy Nearly everyone is partly constipated. * * * One bowel movement a day is not enough. Doctors agree that three is correct. Anyone having less is suffering from constipation or auto-intoxication. Ru-Co is a quick and sure remedy. When the system is cleaned of waste and the blood of poison, the eyes will be bright, the skin clear and the new stream of energy will flow through both body and mind. * * * Prevention. Ru-Co is recommended to reduce the fattening effect of eating. Soft fat contains an excess of water which is eliminated by continued use of Ru-Co according to directions. By removing this surplus water the flesh becomes firm and your size is reduced without weakening vitality. Directions. Take a level teaspoonful of Ru-Co every morning before breakfast * * * [table headed "Correct Weight Women from 20 to 50"] * * * Ru-Co is highly recommended in the treatment of Rheumatism, Indigestion and Functional Disorders of the Liver."

On November 18 and December 8, 1931, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19062. Misbranding of W. H. D. special medicine. U. S. v. 28 Small and 7 Large Cans of W. H. D. Special Medicine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26517. I. S. Nos. 25531, 25533. S. No. 4818.)

Examination of a drug product, known as W. H. D. special medicine, from the shipments herein described having shown that the labeling bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Missouri.

On or about June 30, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 28 small and 7 large cans of W. H. D. special medicine, remaining in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped by the W. H. D. Special Manufacturing Co., from Woodston, Kans., in part on or about March 4, 1931, and in part on or about April 30, 1931, and had been transported from the State of Kansas into the State of Missouri, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of magnesium carbonate and sodium bicarbonate.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the labeling, regarding the curative or therapeutic effect of the said article, were false and fraudulent, since it contained

no ingredient or combination of ingredients capable of producing the effects claimed: (Small can) "W. H. D. Special Medicine For * * * Overeating, Stomach Disorders, * * * Ulcers of Stomach, * * * Relieves * * * Stomach Disorders * * * Excellent Blood Remedy. * * * Why suffer with these troubles? Have testimonials of marvelous relief from what people thought was Rheumatism, Kidney Trouble or other disease caused by the stomach * * * Directions: * * * If you don't get relief from above dose take a larger or smaller dose and more or less often as the case may require;" (large can) "W. H. D. Special Medicine For * * * Overeating, Stomach Disorders, * * * Ulcers of Stomach, * * * Instantly Relieves * * * Stomach Disorders * * * Why Suffer With These Troubles? Have Testimonials of Marvelous Relief from so called Rheumatism, Kidney Trouble and Many Other Diseases that may be Caused by the Stomach * * * Directions: * * * If don't get relief from dose directed take more often and larger dose."

On December 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19063. Misbranding of Gray's Helpuall. U. S. v. 38 Packages of Gray's Helpuall. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27257. I. S. No. 38935. S. No. 5402.)

Examination of a drug product, known as Gray's Helpuall, from the shipment herein described having shown that the labeling bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported that matter to the United States attorney for the District of Massachusetts.

On November 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 38 packages of Gray's Helpuall, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Gray Helpuall Co., from Hillsboro, N. H., on or about June 6, 1931, and had been transported from the State of New Hampshire into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of peppermint oil, camphor, methyl salicylate, and petrolatum.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Tube label) "For * * * Catarrh * * * Bronchitis, Tonsilitis, Rheumatism * * * For Sore Throat and Croup * * * For Other Ailments * * * effective * * * preparation for the relief of * * * Tonsilitis, Bronchitis, Sore Throat, Rheumatism, * * * Eczema, Piles;" (retail carton) "Effective * * * Preparation For the Relief of * * * Tonsilitis, Bronchitis, Sore Throat, Rheumatism, * * * Eczema, Piles, * * * Helpuall * * * for Relieving Inflammation * * * for * * * catarrh insert Helpuall in each nostril * * * For * * * bronchitis, tonsilitis, rheumatism, * * * etc., * * * For sore throat and croup * * * For other ailments;" (circular) "Preparation to relieve inflammation; particularly effective in the treatment of * * * infections of the respiratory organs. * * * It is especially recommended for counteracting: * * * Tonsilitis, Bronchitis, Sore Throat, Rheumatism, * * * Eczema, Piles, * * * Acts Through The Pores * * * has the penetrative property of being readily absorbed by the pores of the skin. Through this action Helpuall reaches the inner tissues and its highly curative qualities tend to counteract inflammation. * * * It will penetrate thoroughly. In severe cases a compress of hot cloths to open pores before using Helpuall is of extreme value. * * * Catarrh (Nasal) * * * Bronchitis * * * Sore Throat, Tonsilitis, Quinicy * * * In extreme cases * * * rheumatism, * * * Rub in thoroughly to the painful area. * * * Applications of the hot Helpuall should be made every hour until relieved. Caked or Swollen Breasts * * * The curative qualities embodied in Helpuall will * * * relieve the inflammation. * * * sore spot. * * * Open Sores * * * apply Helpuall * * * Eczema. Treat skin with Helpuall. It is excellent

for this condition. Piles For itching piles. * * * apply Helpuall. It * * * relieves the inflammation. For Domestic Animals. Helpuall has been found valuable in treating many ailments in domestic animals, particularly * * * skin diseases. * * * the most wonderful remedy for * * * throat trouble * * * it is fine for * * * sore throat * * * Especially good for * * * hoarseness * * * I find it very beneficial in a baby case of glandular infection and enlarged tonsils;" (display carton) "Helpuall * * * Croup, Tonsillitis, Bronchitis, Sore Throat, Rheumatism, * * * Eczema, Piles, * * * Itching Piles * * * Sore Throat."

On January 4, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19064. Adulteration and misbranding of Ergotole. U. S. v. Eighty-one 1-ounce Bottles of Ergotole. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27252. I. S. No. 38819. S. No. 5436.)

Examination of Ergotole from the shipment herein described having shown that the article was represented to have the same potency as fluidextract of ergot, whereas its potency was only one-half of that required by the United States Pharmacopoeia for fluidextract of ergot, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On November 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of eighty-one 1-ounce bottles of Ergotole, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Sharp & Dohme (Inc.), from Philadelphia, Pa., on or about October 15, 1931, and had been transported from the State of Pennsylvania into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act,

It was alleged in the libel that the article was adulterated in that it fell below the professed standard under which it was sold, namely: (Circular) "Ergotole is biologically assayed by the cock's comb method and standardized to the same potency as the Fluidextract of Ergot."

Misbranding was alleged for the reason that the statement on the circular, "Ergotole is biologically assayed by the cock's comb method and standardized to the same potency as the Fluidextract of Ergot," was false and misleading.

On December 7, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19065. Adulteration and misbranding of Bafaline dental cream. U. S. v. 84 Packages of Bafaline Dental Cream. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27080. I. S. No. 34600. S. No. 5271.)

Examination of Bafaline dental cream, involved in the shipment herein described, showed that the retail carton and a display carton bore statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess. The article was also represented to be antiseptic, whereas it was not.

On October 15, 1931, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 84 packages of the said Bafaline dental cream, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Bafaline Laboratories (Inc.), from Manchester, N. H., on or about September 11, 1931, and had been transported from the State of New Hampshire into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of calcium carbonate, glycerin, magnesium hydroxide, sodium pyroborate, sodium benzoate, soap, and flavoring materials. Bacteriological examination showed that the product was not antiseptic.

Adulteration of the article was alleged in the libel for the reason that its strength fell below the professed standard of "Antiseptic," under which it was sold.

Misbranding was alleged for the reason that the statement, "Possessing * * * Antiseptic * * * Qualities," appearing on the carton, was false and misleading. Misbranding was further alleged for the reason that the statement, "Checks Acid Fermentation Which is the Cause of Tooth Decay, Bleeding Gums, and Pyorrhea," appearing on the display carton and the retail carton regarding the curative or therapeutic effect of the article, was false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On November 23, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19066. Misbranding of Innerclean. U. S. v. 125 Cartons of Innerclean. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27076. 1. S. No. 29285. S. No. 5279.)

Examination of the drug product Innerclean showed that the essential ingredients of the article were laxative drugs and that the circular contained unwarranted curative and therapeutic claims. The circular also contained representation that the article was not habit-forming, whereas it would have the habit-forming tendency customary to such preparations.

On October 14, 1931, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 125 cartons of Innerclean, remaining in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by the Innerclean Manufacturing Co., from Los Angeles, Calif., on or about September 12, 1931, and had been transported from the State of California into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of senna leaves (approximately 50 per cent), cascara sagrada bark or the bark of a related species (approximately 30 per cent), anise seed (approximately 10 per cent), and sassafras bark (approximately 10 per cent).

It was alleged in substance in the libel that the article was misbranded in that the following statements contained in the circular were false and misleading: "Beware of the Physic Habit! Most so-called 'physics' used for Constipation aggravate the very condition they are meant to correct. Usually they are drug extracts whose action is one of violent stimulation. With repeated use their effect becomes less and less, until the bowels no longer respond to even a much larger dose. Beware of the 'Physic Habit.' * * * [Testimonial] 'I have found Inner-Clean absolutely non-habit forming.' * * * Not Habit Forming! Innerclean intestinal laxative does not lose its effectiveness through continued use, nor is a larger dose required. On the contrary, the dosage can be decreased steadily, and soon you will find it unnecessary to use Innerclean Intestinal Laxative excepting on rare occasions due to dietetic sins." Misbranding was alleged for the further reason that the following statements in the said circular were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently that the article was in whole or in part composed of and contained ingredients and medicinal agents effective in the treatment of the diseases and conditions named therein, whereas it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Professor Arnold Ehret, eminent Swiss scientist and originator of Innerclean was also author of the world famous 'Mucusless-Diet Healing System' * * *. Ask yourself This Question—'Am I Being Poisoned By Constipation?' Don't think that constipation means only that chronic condition where the bowels fail to move without artificial help. Most people in this age of refined foods and sedentary living, are constipated in some degree. 'One good movement every day' is not enough to keep the bowels cleaned out. The remaining uneliminated filth forms a sticky coating on the walls and in the folds of the intestines. The whole digestive tract may be affected. Poisons generated by this putrefying filth are

absorbed into the blood and pollute the entire system. Whenever you feel bad, first ask yourself: 'Am I being poisoned by constipation?' Colds, indigestion, rheumatism, asthma, heart trouble, Bright's disease, diabetes and even nervous troubles are directly traceable to poisons from internal filth. Remove the cause, and be really well! * * * It * * * helps correct the flabby condition of the bowels, and restores normal healthy digestion and elimination. Innerclean Intestinal Laxative makes you feel like a new person. The most acute cases of constipation have been relieved by this non-habit forming Intestinal Laxative, doses being gradually diminished until Nature needed no further help to maintain Inner-Cleanliness. * * * The absorption of poisons from decomposing food and uneliminated waste matter in the digestive tract is the principal cause of most all human ailments. Those who bathe frequently would be shocked if they were aware of their internal uncleanness. Because of improper diet habits of modern civilization, the average so-called 'healthy' man or woman carries constantly several pounds of uneliminated waste matter, as proven in many instances by autopsies. Poisons generated by this filth weaken the body; foods fail to nourish; and nervousness, headaches, colds, etc., with their train of chronic ailments soon develop. Innerclean Intestinal Laxative is an aromatic herb-vegetable compound perfected by Prof. Arnold Ehret, originator of the 'Mucusless Diet Healing System,' to remove from the intestines age-old accumulations of filth, fermenting undigested food, poisonous toxemias and mucus, and hardened feces which pollute the system and cause acute sickness, chronic diseases and premature old age" and a design depicting a youthful and careworn woman with the legend "The Same Age! Is yours the picture of youthful health or careworn age?"

On November 13, 1931, the Block Drug Co., Brooklyn, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$4,000, conditioned in part that the circular be removed from the packages and destroyed under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19067. Misbranding of Jurgelwicz's anti-rheumatic mixture. U. S. v. 6 Dozen Bottles of Jurgelwicz's Anti-Rheumatic Mixture. Default decree of destruction. (F. & D. No. 27184. I. S. No. 18805. S. No. 5341.)

Examination of the drug product, Jurgelwicz's anti-rheumatic mixture, showed that the carton and bottle labels and an accompanying circular bore statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess. The article was represented to be a purely vegetable mixture and to contain nothing that might injure the system, whereas it contained mineral drugs that might be injurious.

On or about November 5, 1931, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of six dozen bottles of Jurgelwicz's anti-rheumatic mixture, remaining in the original unbroken packages at Natchez, Miss., alleging that the article had been shipped by Mrs. E. A. Jurgelwicz from New Orleans, La., on or about May 11, 1931, and had been transported from the State of Louisiana into the State of Mississippi, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it contained in each 100 milliliters potassium iodide (5.74 grams), sodium salicylate (0.6 gram), an extract from a plant drug such as podophyllum, glycerin, and water.

It was alleged in the libel that the article was misbranded in that the statements appearing in the circular, "I guarantee that it is a purely vegetable mixture and that it contains nothing that can injure the human system," were false and misleading. Misbranding was alleged for the further reason that the following statements appearing on the bottle and carton labels and in the accompanying circular, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton and bottle label) "Anti-Rheumatic Mixture

For Rheumatism, Gout, Neuralgia and all diseases Arising from Impure Blood. The first bottle has never failed to relieve the severest attack;" (circular) "Anti-Rheumatic Mixture For the Cure of Rheumatism, Pericarditis, Lumbago, Neuralgia, Gout, And all Diseases Arising from Impure Blood. * * * The use of this medicine has invariably been followed by relief and in nearly every instance with permanent cure. In no instance has the first bottle failed to relieve from pain, and a second invariably effect a cure. * * * it has established for itself a great reputation throughout the South and has proven to be one of the most wonderful remedies of the modern age. * * * The patient must keep himself under the influence of the medicine without interruption until the health is restored. To be on the safe side and insure a Permanent Cure, the patient after feeling himself perfectly well should not discontinue the medicine right off, but keep on taking a teaspoonful morning and night, and finish two or three bottles successively. The medicine, if taken in moderate doses, will never do any harm, but will purify the blood and cure many other disorders which are caused by bad condition of the blood. It is a sure cure for Tape Worm, for that complaint it must be taken in as large doses as the patient is able to stand, however, not exceeding four tablespoonfuls in 24 hours until the Tape Worm is expelled. During the time of the cure, * * * [similar statements in foreign languages] I call the Attention of the Public to the following Certificates: We, the undersigned residents of New Orleans, have used the Jurgelewicz Anti-Rheumatic Mixture, and have been relieved from all pain after taking a few doses, and after continuing the medicine for a few days have been perfectly cured of the attack, and therefore cheerfully recommend it to the afflicted as a sure cure for Rheumatism, Gout, Lumbago and Neuralgia. * * * 'Enclosed please find Post-Office Order for one bottle of your Rheumatic Medicine. You will remember me as the person who was so badly afflicted with that disease in 1874, and who was clerk in the District Court in your city, and through whose recommendation some of your Medicine was sent to California. I have always recommended it wherever I have come in contact with those afflicted with Rheumatism. A gentleman of the firm for whom I am book-keeper, has had it now for about two weeks and today he is very bad in his hips and legs. It is for him the medicine is sent for. I have never been troubled with it since I took the one bottle of it only. * * * 'I have tried your Rheumatic Medicine * * * Before I took it, I could not walk and now I can run like a horse. * * * 'I have been using your Anti-Rheumatic Mixture, and I find it splendid. My son had acute rheumatism and could not walk, and one bottle of your mixture relieved him almost entirely; * * * I find it is just what you represent it to be. I also had a severe attack of neuralgia in my head, and one tablespoon of your Anti-Rheumatic Mixture gave me almost instant relief. I am recommending it to all that are suffering with neuralgia or rheumatism, and I don't think it will fail in any case where it is taken according to directions, for I don't think there could be much worse cases than my son was, and it cured him, and I feel under many obligations to you for your valuable medicine. * * * 'You know, Doctor, on my last visit to the city, I bought a bottle of your medicine which I gave to a man that had been laid up with Rheumatism for six months at Buras Settlement and he is now perfectly cured.' * * * your Anti-Rheumatic Mixture * * * I had a bottle last spring which had a splendid effect.' * * * your Anti-Rheumatic Mixture. My case being chronic, I do not expect being cured, but it relieves promptly the severe pains to which I am subject * * * 'The two bottles of Anti-Rheumatic Mixture sent me some time ago has been fully tested, and I can say, with wonderful effects.' * * * your Anti-Rheumatic Mixture. This is the third order for your valuable medicine. * * * No one being afflicted with Rheumatic pains ought to be without it.' * * * The following Treatise, in popular form, should be read carefully in order to enable the sufferers intelligently to understand their diseases and to be able to treat them properly. Rheumatism, (from the Greek word Rheuma, a flux) is a blood disease in which inflammation of the fibrous tissue is the most marked characteristic. It occurs either as an acute or as a chronic affection; there is, however, no distinct line of demarcation between the two, and the latter is often a consequence of the former. Acute Rheumatism is indicated by general febrile symptoms, redness, heat, swelling and usually very intense pain, in and around one or more (generally several, either simultaneously or in succession) of the larger joints, and the disease shows a

tendency to shift from joint to joint, or to certain internal fibrous membranes, and especially the pericardium, rheumatism being the most common origin of pericarditis. (See the article on that disease.) The pulse is strong and full, there is headache, but seldom delirium, unless the heart is affected; the tongue is covered with a creamy thick fur, the tip and edges being red; the urine is turbid and abnormally acid; and the skin is bathed in a copious perspiration, with so characteristic a smell (resembling that of sour milk) that the physician can often recognize the disease almost before he sees the patient. The joints are extremely painful, and the pain is much increased by pressure, and consequently by movement, which gives rise to internal pressure. Hence the patient lies fixed in one position, from which he dares not stir. There are two varieties of acute rheumatism. In one the inflammation commences not in the joint, but near it, and attacks the tendons faciae, ligaments and possibly the muscles themselves. This form is termed fibrous or diffused rheumatism. In the other variety, the synovial membrane in the joint becomes affected, and an excess of fluid is poured into the joint, distending the membrane, and making it bulge out between the spaces intervening between the various tendons, ligaments, etc., round the joint. It is the kneejoint which is most commonly affected in this way, and fluctuation may readily be perceived on applying the hands to the two sides of the knee. In this form, which is called synovial rheumatism, the swelling and redness come on sooner, and are more marked than in the former variety. The fibrous is by far the most severe form, and it is to it that the previous sketch of the most marked symptoms applies. In synovial form the fever is less intense, the tongue less foul, the perspiration far less profuse and the membranes of the heart are much less liable to be attacked. It is to this form that the term rheumatic gout is often applied, and it is by no means inappropriate, because synovial rheumatism forms (as Dr. Watson has observed) a connecting link between gout and rheumatism, and partakes of the characters of both. The only known exciting cause of acute rheumatism is exposure to cold, and especially to cold combined with moisture, and hence the greater prevalence of this disease amongst the poor and ill-clad. Sleeping in damp sheets or upon damp ground, the wearing of wet clothes, and sitting in a cold, damp room, especially if the sitter was previously warm from exercise, are examples of the kind of exposure which are apt to be followed by this disease. The excreting power of the skin being checked by the action of cold certain effete matters which should be eliminated in the form of perspiration, are retained and accumulate in the blood, which thus becomes poisoned. This blood-poisoning is not, however, a universal sequence to exposure to the cold. It only occurs when there is a special predisposition to this disease, or, as it is termed, a rheumatic diathesis or constitution, and the diathesis may be so strongly developed as to occasion an attack of acute rheumatism, independently of exposure to any apparent exciting cause. Men are more subject to the disease than women, but this probably arises from their greater exposure to atmospheric changes from the nature of their occupations. The predisposition is certainly affected by age; children under ten years, and adults over sixty, being seldom attacked, while the disease is most prevalent between the ages of fifteen and forty. Persons once affected become more liable to the complaint than they previously were. Dr. Fuller believes, from his observations made in St. George's Hospital, that the disease is sometimes hereditary. Whether this be the case or not, there can be no possible doubt that the predisposition is very apt to exist in members of the same family. The exact nature of the poison is unknown. The late Dr. Prout regarded lactic acid as the *materies morbi*, and certain experiments recently made by Dr. Richardson tend to confirm this view. The danger in cases of acute rheumatism arises almost entirely from the disease going from the joints to the heart, and setting up Pericarditis. Hence that mode of treatment will be best which tends most surely to prevent, or, at all events, to lessen the risk of this complication, and for this, the Anti-Rheumatic Mixture has in several instances proved eminently successful. If the patient is a young person of robust constitution, and there are well-marked inflammatory symptoms (such as a flushed face and a bounding pulse), it has been the custom to bleed from the arm, and a large quantity of blood could usually be taken before any signs of faintness occurred, but the Anti-Rheumatic Mixture produces the same effect, and in such cases may be used in large doses. It will dislodge an

enormous amount of dark and foul secretions from the liver and bowels, and gives almost immediate relief. The main drawback to this mode of treatment is the pain occasioned by changing the position when the bowels act; but this may be to a great extent obviated by the use of the bed-pan. Cases which are intermediate between acute and chronic rheumatism are of very common occurrence. In those cases of what may be termed sub-acute rheumatism, there is slight fever, and several joints are usually affected, without intense inflammation in any one joint. These cases soon show signs of amendment under the treatment by the Anti-Rheumatic Mixture. There are two kinds of chronic rheumatism, which are sufficiently distinct to require notice. In one there is considerable local heat and swelling, although unaccompanied with any corresponding constitutional disturbance, while in the other the patient complains of coldness (rather than heat) and stiffness of the affected joints. The former approximates most closely to the previously described forms of rheumatism, of which it is frequently the sequel, and must be treated in a similar manner, while the latter, which is termed by some the passive form, usually occurs as an independent affection. Pericarditis, or inflammation of the Pericardium, is a disease of frequent occurrence; the result of a very large number of post-mortem examinations being to show that about one in twenty-three of all who die at an adult age exhibit traces of recent or old attacks of this disorder. For reasons which will be obvious when we come to speak of the physical signs of this disease, we shall commence with a notice of the anatomical changes which take place in the inflamed membrane. Very soon after symptoms of pericarditis begin to show themselves there is an abnormal dryness of the serous membrane, which is speedily followed by an increased secretion of fluid. The secreted fluid is sometimes almost entirely fibrinous, in which case it coagulates, and gives rise to adhesions between the heart and the pericardium; or it may consist entirely of serum, which remains liquid; or it may be, and it most frequently is, a mixture of the two. When there is a large amount of liquid effusion (as for instance, a third of a pint or more) which is not re-absorbed, death usually takes place in the course of a few days, in consequence of the interference of the fluid with the heart's action; but when there is not much liquid effusion, or when the liquid part is absorbed the pericardium becomes more or less adherent, and apparent recovery usually takes place. In cases that prove fatal when fibrinous fluid has been effused, but has not coagulated to such an extent as to cause complete adhesion of the heart to the pericardium, the partially coagulated fibrin (or lymph, as the older authors styled it) is seen to be of a yellowish-white color, and to occur in a rugged, shagged or cellular form. Laennec compared the surface on which the lymph is deposited to that which would be produced by suddenly separating two flat pieces of wood between which a thin layer of butter has been compressed. Dr. Watson regards the appearance as more like the rough side of a piece of uncooked tripe than anything else; while others have compared it to lace work, cut sponge, a honeycomb, a congeries of earth-worms, etc. When the patient dies at a more advanced stage of the disease, viz: soon after the whole of the membrane has become adherent—incipient blood-vessels in the form of red points and branching lines are seen, indicating that organization is commencing in the deposit, which if death had not ensued would have been finally converted into cellular or areolar tissue and have occasioned the complete obliteration of the pericardial cavity. The symptoms of pericarditis are pain in the situation of the heart, increased by a full inspiration, by pressure upon or between the ribs in the cardiac region, and especially by pressure upwards against the diaphragm by thrusting the fingers beneath the cartilages of the false ribs; palpitations; dry cough and hurried respiration; discomfort or pain on lying on the left side; restlessness; great anxiety of countenance; and sometimes delirium. The pulse usually beats from 110 to 120 in a minute, and is sometimes intermittent; and febrile symptoms are always present. These symptoms are seldom collectively present in any individual case, and until the time of Louis, the diagnosis of this disease was uncertain and obscure. The physical signs dependent on the anatomical changes which have been described are, however, generally so distinct that by their aid the disease can be readily detected. They are three in number; 1st—In consequence of irritation communicated to the muscular tissue of the heart at the commencement of the inflammation of its investing

membrane, the ventricles contract with increased force rendering the sounds of the heart louder and its impulse stronger than in health; or than in the more advanced stages of the disease. 2d.—When much fluid is effused into the pericardium, dullness or percussion is always observable to a greater degree than in health. This sign, which is very characteristic, is seldom perceived till the disease has continued for two or three days. In relation to this increased dullness, we must premise that in the healthy condition of the heart and lungs there is an irregular roundish space with a diameter of somewhat less than two inches, extending from the sternum (or breast boue) between the level of the fourth and fifth ribs towards the left nipple, in which a portion of the surface of the heart is not overlapped by the lungs, but lies in contact with the walls of the chest. This space should normally be dull on percussion. In pericarditis the extent of the dullness beyond the normal limit indicates the amount of effusion. In extreme cases the dullness may extend over a space whose diameter is seven inches or more. Simultaneously with the increased dullness, there is a diminution of the heart's sounds, in consequence of the intervening fluid, and the impulse is often scarcely perceptible. 3d.—The rubbing of the inflamed and roughened surfaces upon each other gives rise to a sound which is commonly called the suction sound, but which has received various names. Thus Dr. Watson calls it to-and-fro sound, and observes regarding its variations, that 'like all the other morbid sounds heard within the chest, it is capable of much variety in tone and degree. Sometimes it very closely resembles the noise made by a saw in cutting through a board, sometimes it is more like that occasioned by the action of a file or of a rasp; but its essential character is that of alternate rubbing; it is a to-and-fro sound.' This sound is heard early in the disease, before the surfaces of the pericardium are separated by the effusion of fluid; and it is due either to the dryness of the membrane, or to its roughness from the deposition of lymph. When the contiguous surfaces are either separated by fluid, or become adherent, the sound disappears, but when it has been lost from the first of these causes, it reappears after the fluid has been so far absorbed as to permit the surfaces again to come in contact. But here again, its duration is brief, for the surfaces soon become adherent and cease to rub upon each other. 'Pericarditis is a disease which occasionally runs a very rapid course, and terminates fatally in forty-eight hours or less. In ordinary cases, however, which terminate in apparent recovery, the disease generally begins to yield in a week or ten days, and excepting that adhesion remains, the cure appears complete in three weeks or less. But although these patients apparently recover, the pericardial adhesion commonly occasions other structural changes of the heart sooner or later to develop themselves; and in those cases that the physician has the opportunity of subsequently watching, it is observed that fatal disease of the heart, primarily due to the pericarditis, almost always supervenes. In slight cases it is probable that a true cure, without adhesion, may take place. Pericarditis frequently arises from exposure to cold when the body is warm and perspiring. It is no uncommon result of a contaminated state of blood such as occurs in exanthematous diseases, especially scarlatina, and in Bright's Disease of the kidneys; but beyond all comparison, it is of most frequent occurrence in association with acute rheumatism, of which it forms by far the most dangerous complication. This was the case with Mr. St. Cyr, whose card appears in another part of this circular and who was saved at death's door by our mixture and whose physician for sometime mistook his disease for disease of the heart. Lumbago is a rheumatic affection of muscles in the lumbar region, or in the small of the back. It is often first recognized by the occurrence of a sharp stabbing pain in the loins upon attempting to rise from a recumbent or sitting position. It is sometimes so severe as to confine the patient to bed and in one position, from which he cannot move without intense suffering, but in milder cases he can walk, although stiffly and with pain, and usually with the body bent more or less forward. It may be distinguished from inflammation of the kidneys by the absence of the peculiar direction of the pain towards the groin, as also by the absence of the nausea and vomiting which usually accompany the disease of the kidneys. The causes of Lumbago are the same as those of sub-acute rheumatism generally. The complaint may arise from partial exposure to cold, especially when the body is heated, and violent straining will sometimes induce it. In persons with a strong constitutional tendency to rheumatism, the slightest

exciting cause will bring on an attack of Lumbago, but it is very easily cured by the use of the Anti-Rheumatic Mixture. Gout, (Fr. *goutte*, from the Latin *gutta*, a drop) a medieval term of uncertain date, derived from the humoral pathology, (see Rheumatism) indicating a well known form of disease, which occurs for the most part in persons of more or less luxurious habits, and past the middle period of life. The acute attack of Gout most commonly by a painful swelling of the ball of the great toe or of the instep, sometimes of the ankle or knee; much more rarely, it attacks both lower limbs at once; and more rarely still, it seizes first upon some other part of the body, the foot being either not attacked at all, or becoming involved at a latter period. In the great majority of cases, the foot is not only the first part attacked, but the principal seat of the disease throughout; according to Scudamore, indeed, this is the order of events in not much less than four-fifths of the cases. In exceptional instances, the ankle, knee, hand, elbow, etc., are attacked at first, now and then the disease smoulders in the system in the form of disorders of the digestive or nervous functions, or oppression of the circulation for some considerable time before it takes the form of 'regular' gout—that is, of an acute attack, or fit of Gout in the foot. Gout is observed to prevail wherever there is an upper class having abundant means of self-indulgence, and living without regard to the primeval law of humanity, 'in the sweat of thy face shalt thou eat bread.' The directness, however, with which Gout can be traced, in particular cases, to its predisposing cause is very various, and in many instances, a well-marked hereditary tendency to the disease may be observed, which even a very active and temperate life can scarcely overcome; while on the other hand, the most gross forms of excess may be practiced for a whole lifetime without incurring the gouty penalty. It is difficult to explain these variations; but they leave unaffected the general principle, that Gout is a disease especially of the wealthy and most of all those who have but little physical exertion, and give great scope to the bodily appetites. The prevention and cure, accordingly, have been at all times recognized as being mainly founded on temperance, combined with the cultivation of active and regular habits as to exercise. Many amusing stories have been told having this moral, and showing how Gout has been cured by the opportune occurrence of calamities which have created the necessity for labor, and removed the means of self-indulgence. With a few special exceptions, indeed, it may be said that the laboring class, and especially those that labor in the open air, are almost, if not altogether free from this disease. Those again that labor much with the mind, not being subject either to great privations, or to restraint of unusually abstemious habits of life, are remarkably subject to Gout; the more so if their bodily and mental constitutions have been originally robust and fitted by nature for a degree of activity which the artificial necessities of fashion or of occupation have kept within too narrow limits. Hence the well known saying of Sydenham, that Gout is almost the only disease of which it can be said, 'that it destroys more rich men than poor, more wise men than simple.' And in this manner, accordingly, (he adds) there have lived and died 'great kings.'

On November 19, 1931, no claimant having appeared for the property, judgment was entered finding the product subject to confiscation and forfeiture, and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19068. Misbranding of Humphrey's bromated pepsin. U. S. v. 29 Bottles of Humphrey's Bromated Pepsin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27064. I. S. No. 38172. S. No. 5308.)

Examination of a drug product, known as Humphrey's bromated pepsin, showed that the bottle and carton labels and the accompanying circular contained statements representing that it possessed curative and therapeutic properties which, in fact, it did not possess. The purported beneficial effects were ascribed largely to the pepsin alleged to have been contained in the article, whereas it contained no pepsin.

On October 13, 1931, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 29 bottles of Humphrey's bromated pepsin, remaining in the original packages at Brooklyn, N. Y., consigned by the Humphrey

Drug & Chemical Co., alleging that the article had been shipped from Newark, N. J., on or about June 8, 1931, and had been transported from the State of New Jersey into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of acetanilid, sodium bicarbonate, sodium acid tartrate, sodium citrate, citric acid, small proportions of sodium bromide, caffeine, and a bismuth compound, and sugar, flavored with methyl salicylate. Test for pepsin was negative.

It was alleged in the libel that the article was misbranded in that the designation "Bromated Pepsin," appearing on the carton, bottle labels, and in the circular, the statement on the carton and bottle label, "Contains all the active principles necessary to perfect digestion," and the statements in the circular, to wit, "The pepsin used in its manufacture is of the highest trade aseptic pepsin, which is sixty times as strong as the ordinary saccharated pepsin, one grain of which will digest three thousand times its weight of albumen in the stomach * * * without injury to the most delicate stomach. * * * Pepsin The beneficial action of Pepsin in the stomach is so well known as to scarcely require mention," were false and misleading for the reason that the article did not contain pepsin. Misbranding was further alleged for the reason that the statements regarding the curative or therapeutic effects of the article, appearing on the bottle and carton labels and in the accompanying circular were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effect claimed: (Bottle label) "A reliable Remedy for * * * Indigestion, Dyspepsia, * * * Nausea, Nervous Debility, and Excesses of all kinds. Taken after meals it aids Digestion, causing a more complete assimilation of the food. * * * contains all the active principles necessary to perfect digestion, * * * It is pleasant to take and will not injure the most delicate stomach. * * * Whenever there are symptoms of * * * gastric troubles of any kind;" (carton) "A Reliable Remedy for * * * Indigestion, Dyspepsia, * * * Nausea, * * * Nervous Debility and excesses of all kinds. Taken after meals it aids Digestion, causing a more complete assimilation of the food. * * * stomach disorders. * * * and will not injure the most delicate stomach. * * * whenever there are symptoms of * * * gastric troubles of any kind;" (circular) "For The Immediate Relief of * * * Indigestion or Dyspepsia, * * * Biliousness, * * * Nausea, Sleeplessness, Nervous Debility and Excesses of All Kinds. Taken after meals it aids Digestion by preventing fermentation, causing a more complete assimilation of the food. In Liver and Kidney Disease it is invaluable as a solvent of Uric Acid and Gall Stones. It is the Ne Plus Ultra of Head and Stomach Remedies * * * contains the active principles necessary to perfect digestion, and for the immediate relief of * * * and Indigestion. * * * has a specific action on the nervous system, allaying nervous excitability; for this reason it is a favorite remedy with that class of persons known as 'brainworkers.' Its action in allaying gastric disturbances of any kind is prompt and efficient. As an antidote for nausea, or lack of appetite in the morning, induced by over-indulgence in food or stimulants during the night, it is unsurpassed. * * * Women who suffer from nervousness, hysteria, physical fatigue from standing too long or from shopping, will find immediate and refreshing relief from its use. It is a remedy par excellence for overworked Clergymen, Physicians, Lawyers, Editors, Teachers, Actors, and all who are subject to great mental strain or suffer from nervous irritability of any kind. * * * Delicate persons suffering from vomiting, and other gastric disturbances are usually afforded prompt relief upon its administration. The most common cause of gastric and intestinal inflammation is undigested, or partly digested and fermented milk and food in the stomach, the decomposition of which develops ptomaines and other toxic germs; pepsin will remove the cause by digesting the fermented and undigested food, thereby relieving the cause of gastric irritation. Its happy combination in a highly concentrated form, with an agreeable effervescent salt having as powerful an effect over * * * indigestion, is one of the great triumphs of the chemist's skill. Directions * * * For Indigestion, Dyspepsia, * * * For * * * Nausea or Seasickness."

On November 13, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19069. Misbranding of Dr. Livingston's Regenerator. U. S. v. McKesson-Lincoln Co. (Inc.). Plea of guilty. Fine, \$25 and costs. (F. & D. No. 26564. I. S. No. 7459.)

Examination of the drug product, Dr. Livingston's Regenerator, showed that the carton and bottle labels and an accompanying circular bore statements representing that the article possessed curative and therapeutic properties that it did not possess.

On October 19, 1931, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the McKesson-Lincoln Co. (Inc.), a corporation, trading at Little Rock, Ark., alleging shipment by said company, in violation of the food and drugs act as amended, on or about June 5, 1930, from the State of Arkansas into the State of Mississippi, of a quantity of Dr. Livingston's Regenerator that was misbranded.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs, including licorice and a laxative drug, alcohol, and water.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices, regarding the curative and therapeutic effects of the said article, appearing on the bottle and carton labels and in the accompanying circular, falsely and fraudulently represented that it was effective, among other things, as a regenerator, and as a medicine for liver and kidney ailments, and effective to purify the blood, to cure rheumatism, to drive impurities from the system, and to bring vim and life to the body; and effective as a remedy and cure for torpid and sluggish liver, kidney and bladder trouble, indigestion, headache, and dizziness, spots before the eyes, scanty or profuse urination attended by pain and burning sensation, rheumatism, stiff and aching joints, muscular pains, rundown condition with loss of appetite and weight, nervousness, mental depression and dullness of mind, impure blood, with eruptions on the face and body, malaria, and ague with the attendant chills and fever; and effective as an invigorative tonic of great value to the aged, and those recovering from recent illness; and effective to cause increased assimilation and to build new tissues, and effective as a general tonic; and effective as a remedy for nervous and general debility, weak kidneys, lame back, liver complaint, and all impurities of the blood of long standing; and effective as a tonic and strength builder, as a wonderful curative medicine of inestimable value for troubles peculiar to women, and as an especially beneficial treatment to nursing mothers; and effective to repair waste tissue and build up the system; and effective as a wonder worker for liver ailments, as a remedy for sleeplessness, weakness from overwork, and other causes; and effective to strengthen the nerves and restore health; and effective as a liver regulator and as a cure for biliousness; and effective to restore the freshness and brilliancy of youth, and to cause a rosy complexion and to bring new health and life to the body and cause an enriched supply of blood and to banish spots and eruptions, to cause sallowness to disappear and to cause the long lost look of youth to return; and effective to check the advance of old age; and effective as a great nerve tonic and blood purifier and effective to cause general improvement in five days; and effective to enrich the blood supply, tone up the nerve system and restore lost strength and energy; and effective to regain the feeling of good health to purify the blood by throwing off the daily accumulation of germs; and to make it easier for the blood to do its work well; and effective as a health tonic; whereas the article was not, in whole or in part, composed of, and did not contain ingredients or medicinal agents effective for the said purposes. Misbranding was alleged for the further reason that the statement, "Guaranteed to comply with all pure food laws," borne on the cartons and bottles containing the article, was false and misleading, in that the said statement represented that the article conformed to the food and drugs act, as amended, whereas it did not.

On November 9, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19070. Misbranding of Leonard's Mexica Barb-Wire Liniment. U. S. v. 23 Small-Sized Bottles, et al., of Leonard's Mexica Barb-Wire Liniment. Default decree of destruction. (F. & D. No. 26773. I. S. Nos. 25534, 25535. S. No. 4847.)

Examination of a drug product, known as Leonard's Mexica Barb-Wire liniment, from the shipments herein described having shown that the labeling bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Missouri.

On July 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 23 small and 23 large bottles of Leonard's Mexica Barb-Wire liniment, remaining in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped by Harry Leonard from Hutchinson, Kans., in part on or about May 23, 1929, and in part on or about September 6, 1930, and had been transported from the State of Missouri, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the article by this department showed that it consisted essentially of petroleum oils, fatty oils, and a small proportion of water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the bottle label and in the accompanying circular, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "Leonard's Mexica Barb-Wire Liniment * * * For Barb-Wire Cuts, apply twice a day with a feather. * * * Itch, Scratches, Contracted Hoofs, Distemper, drench with $\frac{1}{4}$ bottle to $\frac{1}{2}$ pint milk once a day, swab the nostrils once a day. Caked Udder, * * * Old Sores, Swellings and Corns, * * * Felons, * * * Dog or Snake Bites, * * * Sore Shoulders and Neck, Earache, Cough and Croup in Children, 10 to 30 drops on sugar. Sore Throat, Tonsillitis, Piles, Catarrh, use atomizer. Horse Colic, $\frac{1}{4}$ bottle to $\frac{1}{2}$ pint of milk;" (circular) "Leonard's Mexica Barb Wire Liniment * * * For Barb-Wire Cuts—Apply twice a day with a feather. Never pour it on. Never use soap or water or take any stitches if the wound is ragged. Cut the ragged parts off. This liniment * * * will heal up and never leave a scar. Galled Necks and Shoulders—Apply with the hand twice daily. The best gall remedy made. * * * Colic— $\frac{1}{3}$ of a bottle to $\frac{1}{2}$ pint of sweet milk. Repeat the dose in half an hour if necessary. Nail Wounds—Saturate a piece of cotton as large as a hen's egg, place over the wound, put a large bunch of rags or cotton over this and tie over with a sack. This draws all poison and inflammation out in one night. Heaves—Give $\frac{1}{3}$ of a bottle to $\frac{1}{2}$ pint of milk three times a week. Also swab the nostrils three times a week. This opens up all air passages. Distemper—Treat same as for heaves. * * * This is a prevention of disease. Thrush— * * * Itch— * * * Eczema—Same as for itch. * * * Contracted Hoofs— * * * Poison from Eating Stalks— * * * Roup— * * * put a teaspoonful in the water once a week as a preventive. Boils and Carbuncles— * * * This relieves the pain at once and draws out the pus. Felon— * * * This brings it to a head and never leaves a scar. Caked Udder— * * * Sore, Cracked, or Frosted Teats— * * * This deadens all pain, takes out all soreness, and heals up quickly. Blood Poison—(Great remedy for this.) * * * Snake or Dog Bite— * * * Coughs in Hogs—Drench with $\frac{1}{3}$ of a bottle twice. Drenching will stop the cough. * * * Pouring in the water trough once a week will prevent cholera and coughing. * * * Mange— * * * Tack Wounds— * * * Nose Bleed— * * * Weak Eyes— * * * Pink Eye or Influenza— * * * Cured 7 head in 7 days with this treatment. * * * Stopping Flow of Blood— * * * Stops flow immediately. * * * Swellings— * * * Calloused Lumps— * * * It may seem strange to some people that one remedy is good for so many things but

nevertheless this has cured every ailment I have mentioned here, for which I have good authority. This is a great Antiseptic - * * * Coughs— $\frac{1}{2}$ teaspoonful on a teaspoonful of sugar two or three times a day will stop the worst coughs. Croup— * * * Hemorrhage of the Lungs—Teaspoonful on sugar once a day. Sore Throat— * * * Sore Lungs—Apply hot to chest at night, laying on flannel cloth, also apply between shoulder blades. If it produces a flesh puff on the chest (or you may call it a blister but it isn't) just open this and you will find it full of pus. Whooping Cough—Same as ordinary cough. Diphtheria— * * * Bronchitis— * * * Tonsillitis Same as bronchitis. Corns— * * * Bunions— * * * Caked Breast— * * * Bleeding Gums—Apply with cotton. Earache—Warm 5 or 6 drops in a spoon just milk warm, drop in ear. Stops immediately. Toothache— * * * Lame Back— * * * Rheumatism—Same as lame back (Relieves, only.) Weak Eyes— * * * King of All Pile and Catarrh Remedies Piles—If they are inward piles, inject one teaspoonful at night. If protruding, apply with cotton each time after stool. Catarrh—It has never failed. * * * Asthma— * * * (This relieves.) Pneumonia—Don't let anyone discourage you in using this in pneumonia. * * * This relieves in a few minutes. * * * This liniment will not cure Rheumatism nor Asthma, but Relieves. Will not cure Hog Cholera, * * * but it will prevent these."

On December 14, 1931, no claimant having appeared for the property, judgment was entered finding the product misbranded and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19071. Adulteration and misbranding of ether. U. S. v. Twelve 5-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26916. I. S. No. 22943. S. No. 5104.)

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the District of Oregon.

On August 26, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of twelve 5-pound cans of ether, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by Mallinckrodt Chemical Works, from St. Louis, Mo., on or about April 11, 1931, and had been transported from the State of Missouri into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether U.S.P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopœia official at the time of the investigation, and its own standard was not stated on the label.

Misbranding was alleged for the reason that the statement on the label, "Ether U.S.P." was false and misleading.

On December 10, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19072. Misbranding of Pilules Orientales. U. S. v. 1 Dozen Bottles of Pilules Orientales. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27243. I. S. No. 38432. S. No. 5365.)

Examination of a drug product, known as Pilules Orientales, from the shipment herein described having shown that the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Puerto Rico.

On December 7, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one dozen bottles of Pilules Orientales at San Juan, P. R., alleging that the article had been shipped by E. Fougera & Co. (Inc.), New York,

N. Y., on or about March 27, 1931, to San Juan, P. R., and that it was being offered for sale and sold in Puerto Rico by Serra, Garabis & Co., (Inc.), of San Juan, P. R., and charging misbranding in violation of the food and drugs act as amended.

Examination of a sample of the article by this department showed that it consisted of pills containing powdered caraway seed, extract of a plant drug such as galega, and calcium phosphate, coated with sugar and covered with silver foil.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the circular regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Circular) "The principal causes of the absence or degeneration of the breasts are the following: 1. Lack or development at the time of formation or arrestation after this period; 2. Repeated pregnancies; 3. Mental trials, griefs, sicknesses, nervous fevers, etc.; 4. Abuse of medicaments containing iodides; 5. Application to the breasts of pomades or other topica (external remedy) intended to cause the milk to disappear; 6. Compression produced by poorly made corsets, etc. In all these cases and others that it is useless to enumerate, the lack of size of the breasts only rarely implies the total disappearance of the mammary glands, and if these organs still exist, no matter how small they are, this is sufficient for it to be possible to restore them by means of Oriental Pills, whose strengthening action is felt especially in the form of the chest as well in the woman as in the young girl. Oriental pills * * * they are tonic * * * and regulative of the functions, which makes ladies able to take them continuously, even during their periods. A good cure generally includes two months of treatment, which requires the use of 6 bottles of pills. You will do well, moreover, to follow the following prescriptions: 1. Eat at regular hours and according to your appetite; 2. Take exercise moderately and sufficient rest (8 to 9 hours sleep at least); 3. Avoid fatigue, excessive perspiration, as well as emotions and excesses of all kinds; 4. Add to your food eggs, milk, and as much as possible of dry vegetables, farinaceous ones by preference: beans, lentils, rice, barley, corn, etc., these foods being those that are best transformed into plastic substances destined to shape the breasts materially; 5. For beverages, make use of those that are fermented, wine, beer, cider, etc. * * * Liquors in moderate quantity are not unfavorable; 6. Avoid constipation by refreshing means, in order to obtain regular evacuations and do not take strong purgatives unless the need is felt to be imperative; 7. Take the pills twice a day, immediately before the two principal meals; Begin the treatment with four pills a day for the first two days, five pills the third and fourth days and six pills a day, beginning with the fifth day, then continue this dosage, without interruption, until the end of the treatment. Perseverance in the Treatment—In certain cases, the effect of Oriental Pills is noticeable from the beginning; in others it does not become apparent until after three or four bottles have been taken. It is therefore well to persevere in their use. At the beginning of the treatment, an internal preparatory work goes on that is sometimes manifested by slight pricklings in the region of the breasts (do not be worried by this). Then, little by little, the bust takes on fat, the hollows of the shoulders are filled, the bony projections are effaced and the breasts develop. In persons whose chests are already sufficiently developed but lack firmness, the tonic and restorative effects of Oriental Pills are felt equally, to the great benefit of the consistence and firmness of the tissues. The number of six bottles is an average that may not be needed or may be exceeded, according to the difference in cases and temperaments. However this be, the use of Oriental Pills can be prolonged without any inconvenience for three months or more. Once the result has been obtained, it maintains itself without it being necessary to continue any regime or treatment. Oriental Pills should be taken without interruption, even during the monthly periods."

On January 5, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19073. Adulteration and misbranding of fluidextract of ergot. U. S. v. 9½ Gallons of Fluidextract of Ergot. Default decree of destruction. (F. & D. No. 26917. I. S. No. 25585. S. No. 5112.)

Examination of the fluidextract of ergot from the shipment herein described having shown that the article was represented to be a pharmacopoeial product, whereas its potency was less than one-half that required by the pharmacopoeia, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Missouri.

On or about August 28, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 9½ gallons of fluidextract of ergot at Kansas City, Mo., alleging that the article had been shipped by C. E. Jamieson & Co., from Detroit, Mich., on or about April 10, 1931, and had been transported from the State of Michigan into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength as determined by the test laid down in the said pharmacopoeia, and its own standard of strength was not stated on the container.

Misbranding was alleged for the reason that the statements on the label, "Fluid Extract * * * Ergot U. S. P. X. Claviceps Purpurea (Fries) Tulasne Physiologically tested," were false and misleading.

On December 14, 1931, no claimant having appeared for the property, a decree was entered adjudging the product adulterated and misbranded, and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19074. Misbranding of Can-U-Til-Lo herb. U. S. v. 2½ Dozen Packages of Can-U-Til-Lo Herb. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27030. I. S. No. 37911. S. No. 5200.)

Examination of samples of a drug product, known as Can-U-Til-Lo herb, from the shipment herein described having shown that the carton labels and an accompanying circular contained statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On October 2, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 2½ dozen packages of the said Can-U-Til-Lo herb, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped by the Can-U-Til-Lo Co., from Camden, N. J., on or about September 10, 1931, and had been transported from the State of New Jersey into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of coarsely cut *Ephedra antisiphilitica*.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "For obstinate cases drink an increased quantity of the Tea daily. * * * itself being a natural stimulant and invigorator. * * * Rheumatism results usually from weakened or diseased kidneys, the natural functions being impaired. * * * strengthens and stimulates the kidneys to normal activity. Uric acid and other impurities are thus eliminated from the blood. * * * properly used has relieved many cases of Rheumatism and Dropsy by correcting Kidney and Urinary ailments. * * * (circular) "Remedy for Rheumatism and Kindred Diseases Resulting from Weak and Diseased Kidneys such as Dropsy and all Blood Disorders * * * How Long Have You Had Rheumatism Are you the one who says, 'Oh, I've tried everything?' If you are, it is reasonable to conclude that you've had Rheumatism for years—perhaps. These long months or years of suffering have forced you to the conclusion that Rheumatism is incurable. Well you are not the only one to reach such a conclusion. Your first inquiry should

be as to the cause of Rheumatism. The majority of those who are supposed to know—the Physicians—say, too much Uric Acid in the Blood is the cause * * * is but one Simple Herb. It is a * * * Blood Purifier, it assists digestion and tends to cure constipation. In short, it is a Natural Invigorator and Rejuvenator, and can be used continuously without losing its beneficial effect. * * * The Indians, who were the original discoverers * * * used it for Skin Diseases, Rheumatism, and all Kidney, Bladder and Urinary Complaints. The Army Officer who sent the Herb to Washington, said of it: 'I found it a great Kidney medicine, as it will cause the Kidneys to throw off Uric Acid and in cleansing the blood of that poison, it reaches Rheumatism. * * * recommended it for its tonic properties as well as for the cure of blood disorders * * * Its use tends to prolong life by eliminating calcareous material, thus keeping the walls of the veins and arteries free from such deposits besides preventing the formation of gravel, which it removes. * * * should be regarded rather as a Food than as a Medicine. * * *

The length of time you need to take the tea depends upon how much your organism is predisposed to produce Uric Acid, and how feeble your Kidneys have become. * * * [Testimonials] Eczema * * * 'For one year I had been afflicted with a peculiar form of eczema all over my body. At times I suffered excruciatingly from it. I tried various medicines, lotions, etc., but nothing appeared to help me until I began taking your Tea. I had only taken a few doses when I began to notice its effects, and when I had used two packages I was entirely cured. * * * Muscular Rheumatism * * *

This is to certify that for years I have suffered with Rheumatism. After trying a number of treatments known to the medical profession I was informed my case could not be cured. * * * After taking six (6) packages I can say that the Rheumatism has entirely disappeared. * * * Dropsy * * * I had the dropsy * * * that two physicians said I could not live a week. I began taking Canutillo Herb Tea about 10 o'clock a. m.— * * * Got up at 5 o'clock the next morning, and found my waist measurement reduced 8½ inches. * * * I owe my life to it. * * *

Weak Kidneys * * * The boy, as I was told by several physicians, had a weak bladder. Up to the time I started to use Canutillo for them I found no results. Yours did the work after using only four (4) packages. My boy is now not half as nervous and has full control of his bladder. * * *

Blood Disease 'I cheerfully recommend your Canutillo Herb to those afflicted with any of the diseases arising from a bad condition of the blood, particularly the various kidney and rheumatic complaints. I speak from personal knowledge. I was troubled with sciatica rheumatism for some years, together with disordered kidneys, and a liberal use of the Tea, which, brewed in an earthen tea pot, cleared my system of both diseases. About a year after the disappearance of sciatica, I had an attack of acute rheumatism (another form of the disease) in my left shoulder and arm. I have taken about a quarter of a package and that trouble is disappearing. I can distinctly note its favorable action upon the kidneys in all stages of its use. I have recommended it to acquaintances who also have reported themselves greatly benefited or cured. * * *

Rheumatism 'In answer of your letter of November 30, concerning Canutillo, I would say—after suffering with rheumatism in the knees for eight or nine years, part of the time having to use a cane, and taking all kinds of prescriptions from a regular physician and using several patent medicines without any improvement or benefit from same—I was induced to try Canutillo. I started with two packages, and before they had been used up I noticed a great change in my condition. After about seven months' constant use I became entirely cured, and since then, two years last May, I have been entirely free from the trouble in any part of my anatomy. This being the case I, of course, can recommend the cure to anyone suffering from stiff or swollen joints. * * *

Rheumatism * * * I feel such good results from its use that I have decided to order one dozen packages so that I can have it on hand. I find it all you claim, and will recommend it to all I know who are troubled with rheumatism. * * *

Gravel * * * began taking your herb, and the pains gradually lessened. I continued taking Canutillo, and before I had finished the second package I passed the gravel. * * *

Kidney Disease 'All that you have been told you may consider as true facts. My case was pronounced hopeless and a limited time given me to live. But thanks to

Canutillo I have been able to live and outlive that time with a very bright future ahead. I was supposed to be in the last stages of Bright's kidney disease. My limbs were swollen three times their natural size and I also had water in my abdomen, and a small quantity in my chest, which was last gradually increasing until in time the treatment I was undergoing would have resulted in death. I took in all about four boxes of the Herb. I noticed a change of condition after taking the second box. I think the Herb is a great thing and every one should give it a trial. * * * 'Chronic Rheumatism 'How can I thank you enough? I am recommending Canutillo to my numerous friends and acquaintances who are suffering as I did from chronic rheumatism, and I am hearing from one and all the same testimony. Although 67 years of age, I feel like one just beginning to live; elasticity of mind and body has returned; I feel again the buoyancy of youth. * * * 'Rheumatism 'Having been afflicted with rheumatism for twenty years and being laid up regularly twice a year for ten days to two weeks, I was asked to try your remedy. I began taking the Tea in February of 1906, and am happy to say that I have not had an attack to this day. Do you wonder that I tell all my friends about it who suffer as I did? I would not be without it. You can use my name as much as you like and can refer anyone to me at my studio at any time and I will be glad to tell what it has done for me and my friends.'"

On November 2, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19075. Misbranding of Dunbar's system tonic. U. S. v. 16 Boxes of Dunbar's System Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27301. I. S. No. 38932. S. No. 5394.)

Examination of a drug product, known as Dunbar's system tonic, from the shipment herein described having shown that the labeling bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On November 30, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 16 boxes of Dunbar's system tonic, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Lee Specialty Co., from Detroit, Mich., on or about May 27, 1931, and had been transported from the State of Michigan into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Examination of a sample of the article by this department showed that it consisted of pills containing, essentially, extracts of plant drugs including a laxative drug and ferrous sulphate (23 milligrams per pill).

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the article, appearing on the box and wrapper labels and in the accompanying circular, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Box) "System Tonic * * * For Rheumatism, Blood, Liver & Kidneys;" (wrapper) "System Tonic * * * Blood Builder * * * System Tonic Co.;" (circular) "System Tonic * * * Rheumatism, Blood, Liver and Kidneys A Tonic Eliminant * * * for * * * Cleansing the System of Various Impurities which are formed or accumulated in Biliousness, Rheumatism, Catarrh, Pimples, Boils and other Diseases where elimination of poisons does not keep pace with their formation. * * * System Tonic enriches the blood. * * * Recommended as an Anti-bilious Treatment To be used to stimulate and give tone to the digestive organs, promote digestion and thorough assimilation of the food. * * * By correcting constipation it will afford relief to overburdened kidneys * * * It has a tonic action on the blood, stomach and intestines, increasing their general tone, and improving digestion, assimilation * * * thereby improving * * * general condition. Directions * * * Continue the use of the smallest dose until * * * the system is apparently well cleansed of poisonous substances. * * * [Testimonials]

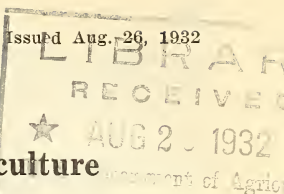
Dunbar's System Tonic cured my husband of a very bad case of stomach trouble. That was 14 years ago, and he has not had an attack since. Until he began using Dunbar's System Tonic he had three or four attacks a week. * * * I am better since taking them than I have been in five years. Have not been able to do much work in the past few years, as I have been troubled with Asthma, Catarrh and Bronchial ailments. This summer I have been able to work steadily. * * * The 'Flu' is getting a start here again, and Dunbar's System Tonic is a sure preventative. Everyone who used the tonic here two years ago never got the 'Flu,' and it cured those who had it. For rheumatism Dunbar's System Tonic has produced some wonderful results."

On December 21, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

19076-19150

[Approved by the Secretary of Agriculture, Washington, D. C., August 1, 1932]

19076. Adulteration of tomato catsup. U. S. v. 50 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26884. I. S. No. 22721. S. No. 5077.)

Samples of canned tomato catsup from the shipment herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the District of Montana.

On or about September 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 50 cases of tomato catsup at Great Falls, Mont., alleging that the article had been shipped by the Pleasant Grove Canning Co., from Pleasant Grove, Utah, on or about July 22, 1931, and had been transported from the State of Utah into the State of Montana, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cases and cans) "Pleasant Grove Brand made from whole tomatoes and trimmings * * * Quality guaranteed. Packed by Pleasant Grove Canning Co., Pleasant Grove—Orem, Utah."

Adulteration was alleged in the libel for the reason that the product consisted in part of a decomposed vegetable substance.

On December 15, 1931, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19077. Adulteration of butter. U. S. v. 25 Tubs of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 27828. I. S. Nos. 44960, 44972. S. No. 5423.)

Examination of butter from the shipment herein described having shown that the samples contained less than 80 per cent by weight of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Iowa.

On October 22, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 25 tubs of butter at Sioux City, Iowa, alleging that the article had been shipped by the Ainsworth Cooperative Creamery, from Ainsworth, Nebr., on or about October 7, 1931, and had been transported from the State of Nebraska into the State of Iowa, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, which should contain 80 per cent of milk fat as provided by the act of Congress of March 4, 1923.

On November 7, 1931, the Ainsworth Farmers Cooperative Creamery Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the

sum of \$800, conditioned in part that it be reconditioned under the supervision of this department, and that it should not be sold or disposed of contrary to the food and drugs act or the laws of any State.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19078. Adulteration of canned salmon. U. S. v. 149 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond. (F. & D. No. 27088. I. S. No. 11581. S. No. 5250.)

Samples of canned salmon from the shipment herein described having been found to be tainted or stale, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On October 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 149 cases of canned salmon, remaining in the original unbroken packages at Fresno, Calif., alleging that the article had been shipped on or about August 12, 1931, by McGovern & McGovern, from Seattle, Wash., and had been transported in interstate commerce from the State of Washington into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Palace Brand Alaska Pink Salmon Net Contents 1 Lb. Haas Brothers Distributors San Francisco Fresno."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On January 13, 1932, the Wrangell Packing Corporation, Wrangell, Alaska, claimant, having admitted the allegations of the libel and having filed a cost bond in the sum of \$250, and a release bond in the sum of \$500, conditioned in part that the product should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act and other existing laws, judgment of condemnation was entered and it was ordered by the court that the product be delivered to the claimant for the purpose of segregating for destruction such portion thereof as contained bad fish, such segregation to be made under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19079. Adulteration of cottonseed cake. U. S. v. 400 Sacks of Cottonseed Cake. Consent decree of condemnation entered. Product released under bond. (F. & D. No. 27152. I. S. No. 23813. S. No. 5293.)

Live weevils, webs, and excreta having been found in samples of cottonseed cake from the shipment herein described, the matter was reported to the United States attorney for the District of Kansas by an official of the Kansas State Board of Agriculture, commissioned by the Secretary of Agriculture.

On September 11, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 400 sacks of the said cottonseed cake, remaining in the original unbroken packages at Buffalo, Kans., alleging that the article had been shipped by the Morrilton Cotton Oil Mill, Morrilton, Ark., on or about August 25, 1931, and had been transported from the State of Arkansas into the State of Kansas, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it was infested with live weevil, their webs and excreta, whereby the quality and nutritive strength of the article had been injuriously affected and reduced.

On October 20, 1931, the National Cottonseed Products Corporation, Memphis, Tenn., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be properly labeled, and should not be sold or offered for sale in violation of any existing law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19080. Adulteration of dried figs. U. S. v. 10 Cases of Dried Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26795. I. S. No. 11169. S. No. 4936.)

Samples of dried figs from the shipment herein described having been found to be moldy and insect-infested, the Secretary of Agriculture reported the matter to the United States attorney for the District of Oregon.

On July 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemna-

tion of 10 cases of dried figs, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped on or about June 30, 1931, by the Albert Asher Co., from San Francisco, Calif., and had been transported in interstate commerce from the State of California into the State of Oregon, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "25 Lbs. Net Progress Brand Choice California Black Figs, Packed by Albert Asher Co., San Francisco, California."

It was alleged in the libel that the article was adulterated in that it consisted partly of a filthy, decomposed, or putrid vegetable substance.

On December 18, 1931, no claimant having appeared for the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19081. Adulteration of tomato puree. U. S. v. 174 Cases of Tomato Puree. Default decree of forfeiture and destruction. (F. & D. No. 26799. I. S. No. 13227. S. No. 4951.)

Samples of tomato puree from the shipment herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On July 22, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 174 cases of tomato puree, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped on or about June 1, 1931, by the Pleasant Grove Canning Co., from Pleasant Grove, Utah, and had been transported in interstate commerce from the State of Utah into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cases and cans) "Timpanogos Brand Tomato Puree Packed by Pleasant Grove Canning Co., Pleasant Grove-Orem, Utah."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On January 23, 1932, claimant having defaulted, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19082. Adulteration of tullibeas. U. S. v. 30 Boxes of Tullibeas. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 26727. I. S. No. 35683. S. No. 4879.)

Samples of tullibeas from the shipment herein described having been found to be infested with worms, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On June 30, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 boxes of tullibeas at Chicago, Ill., alleging that the article had been shipped by the Warroad Fish Co., from Warroad, Minn., on or about June 23, 1931, and had been transported from the State of Minnesota into the State of Illinois and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy and decomposed animal substance, and for the further reason that it consisted of a portion of an animal unfit for food.

On July 3, 1931, claimant having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19083. Adulteration of ice cream cones. U. S. v. 154 Cases, et al., of Ice Cream Cones. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26359. I. S. Nos. 18231, 18232, 18233. S. No. 4690.)

Samples of ice cream cones from the shipment herein described having been found to contain saccharin, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Iowa.

On May 14, 1931, the United States attorney filed in the district aforesaid a libel praying seizure and condemnation of 278 cases of ice cream cones at

Des Moines, Iowa, alleging that the article had been shipped on or about March 27, 1931, by the Northwest Cone Co., from Chicago, Ill., and had been transported in interstate commerce from the State of Illinois into the State of Iowa, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Joy Boy Cup Cake Cones [or "Buddy Ice Cream Cake Cones" or "Rosebud Cup Cake Cones"] Northwest Cone Co."

It was alleged in the libel that the article was adulterated in that a substance, saccharin, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article contained an added poisonous or deleterious ingredient, saccharin, which might have rendered it harmful to health.

On January 8, 1932, no claimant having appeared and the court having heard the evidence and argument of counsel for the Government, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19084. Adulteration of canned salmon. U. S. v. 415 Cartons of Pink Salmon. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25153. I. S. No. 19661. S. No. 3420.)

Samples of canned salmon from the shipment herein described having been found to be tainted or stale, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Texas.

On September 18, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 415 cartons of canned salmon, remaining in the original unbroken packages at Waco, Tex., alleging that the article had been shipped on or about August 9, 1930, by the Sergeant Paup Co., from Seattle, Wash., and had been transported in interstate commerce from the State of Washington into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Request Pink Salmon Distributed by Sergeant Paup Company Seattle Washington."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On December 12, 1931, the Western States Grocery Co., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to said claimant upon payment of costs and the execution of a bond in the sum of \$1,200, conditioned in part that it should not be sold or disposed of in violation of the Federal food and drugs act and other existing laws; and further conditioned that it be examined under the supervision of this department, the portion found fit for human consumption released and the remainder destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19085. Adulteration of canned salmon. U. S. v. 26 Cases of Salmon. Default decree of confiscation, condemnation, and destruction. (F. & D. No. 26970. I. S. No. 36201. S. No. 5184.)

Samples of canned salmon from the shipment herein described having been found to be tainted or stale, the Secretary of Agriculture reported the matter to the United States attorney for the District of Kansas.

On September 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 26 cases of salmon, remaining in the original unbroken packages at Emporia, Kans., alleging that the article had been shipped on or about August 21, 1931, by R. E. Cotter & Co., from San Francisco, Calif., and had been transported in interstate commerce from the State of California into the State of Kansas, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid animal substance.

On December 31, 1931, no claimant having appeared, judgment of confiscation and condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19086. Adulteration of fig paste. U. S. v. 125 Cases of Fig Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26961. I. S. No. 22939. S. No. 5176.)

Examination of samples of fig paste from the shipment herein described having shown that the article contained insects, parts of insects, and larvae, the Secretary of Agriculture reported the matter to the United States attorney for the District of Oregon.

On September 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 125 cases of fig paste, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by Koligian Bros., from San Francisco, Calif., on or about August 1, 1931, and had been transported from the State of California into the State of Oregon, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "80 Lbs. Net Weight Fig Paste. Packed by Koligian Bros."

It was alleged in the libel that the article was adulterated in that it consisted of a filthy vegetable and animal substance, since it contained insects, parts of insects, and larvae.

On December 22, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19087. Adulteration of tomato sauce. U. S. v. 600 Cases of Tomato Sauce. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26894. I. S. No. 23050. S. No. 5079.)

Samples of tomato sauce from the shipments herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On August 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 600 cases of tomato sauce, remaining in the original unbroken packages at Monterey, Calif., alleging that the article had been shipped by the Smith Canning Co., from Ogden, Utah, in various consignments on or about October 12, November 20, and December 21, 1929, and had been transported from the State of Utah into the State of California, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the product consisted in part of a decomposed vegetable substance.

On December 30, 1931, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19088. Adulteration of tomato catsup. U. S. v. 98 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26855. I. S. No. 22713. S. No. 5042.)

Samples of canned tomato catsup from the shipment herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the District of Montana.

On August 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 98 cases of tomato catsup at Butte, Mont., alleging that the article had been shipped by the Woods Cross Canning Co., from Clearfield, Utah, on or about June 26, 1931 (1930), and had been transported from the State of Utah into the State of Montana, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Woods Cross Brand Catsup * * * made from whole ripe tomatoes."

It was alleged in the libel that the product consisted in part of a decomposed vegetable substance.

On November 13, 1931, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19089. Adulteration and misbranding of vanilla flavor. U. S. v. 12 Dozen Bottles of Vanilla. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26839. I. S. No. 33762. S. No. 5020.)

Examination of samples of vanilla flavor from the shipment herein described having shown that the product was an imitation and that the bottles contained less than the declared volume, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Virginia.

On August 7, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 12 dozen bottles of vanilla flavor, remaining in the original unbroken packages at Rocky Mount, Va., alleging that the article had been shipped on or about June 12, 1931, by the Yerkes Chemical Co. (Inc.) from Winston-Salem, N. C., and had been transported in interstate commerce from the State of North Carolina into the State of Virginia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Yerkes Brand. * * * Contents 6 Ozs. Compound Vanilla Flavor * * * Manufactured and Guaranteed by Yerkes Chemical Company, Inc. * * * Winston-Salem, N. C."

Adulteration was alleged in that an imitation vanilla flavor had been substituted for the article. Adulteration was further alleged in that the article had been colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statements, "Contents 6 Ozs. Compound Vanilla Flavor," borne on the label, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On January 7, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19090. Adulteration of tomato catsup. U. S. v. 100 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27048. I. S. No. 21638. S. No. 5284.)

Samples of tomato catsup from the shipment herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On October 7, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 100 cases of tomato catsup, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Utah Canning Co., from Ogden, Utah, on or about March 6, 1931, and had been transported from the State of Utah into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Pierce's Tomato Catsup * * *. The Utah Canning Co., Ogden, Utah."

It was alleged in the libel that the product consisted in part of a decomposed vegetable substance.

On December 3, 1931, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19091. Adulteration and misbranding of loganberry juice. U. S. v. 104 Cases of Loganberry Juice. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27046. I. S. No. 40028. S. No. 5232.)

Samples of loganberry juice from the shipment herein described having been found to contain added water, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about October 15, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 104 cases of loganberry juice at Chicago, Ill., alleging that the article had been shipped by the Northwest Canning Co., from Salem, Oreg., on or about July 24, 1931, and had been transported from the State of Oregon

into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Cases) "Northwest Canning Company, Salem, Oregon, USA Phez Pure Juice of the Loganberry;" (bottles) "To drink add two parts water. Phez pressed from luscious Oregon loganberries. Sugar added. * * * Net contents 32 Fluid Ozs."

It was alleged in the libel that the article was adulterated in that added water had been substituted in part for pure loganberry juice, which the said article purported to be.

Misbranding was alleged for the reason that the statements, (case) "Pure juice of the loganberry" and (bottle) "Luscious Oregon loganberry," were false and misleading, and deceived and misled the purchaser when applied to loganberry juice containing added water; and for the further reason that it was offered for sale and sold under the distinctive name of another article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement of the contents was not in terms of the largest unit.

On December 8, 1931, Luman R. Wing & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for relabeling under the supervision of this department, upon the payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or otherwise disposed of contrary to the provisions of the food and drugs act, or to the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19092. Adulteration of canned tomato catsup. U. S. v. 85 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27045. I. S. No. 21634. S. No. 5276.)

Samples of canned tomato catsup from the shipment herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On October 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 85 cases of canned tomato catsup, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Pacific Coast Cannery (Inc.), from Ogden, Utah, on or about October 22, 1930, and had been transported from the State of Utah into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cases and cans) "Red Mount Brand Standard Tomato Catsup Made from Trimmings of Sound Ripe Tomatoes Contents 6 Lbs. 10 Oz. packed and guaranteed by National Packing Corporation, Ogden, Utah, U. S. A."

Adulteration was alleged in the libel in that the product consisted in part of a decomposed vegetable substance.

On December 3, 1931, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19093. Adulteration and misbranding of cocoa. U. S. v. 166 Barrels of Cocoa. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27044. I. S. No. 30370. S. No. 5267.)

Samples of cocoa from the shipment herein described having been found to contain added shell material, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of New York.

On October 7, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 166 barrels of cocoa, remaining in the original packages at Brooklyn, N. Y., alleging that the article had been shipped on or about May 7, 1931, by the Keystone Chocolate Co., from Harrisburg, Pa., and had been transported in interstate commerce from the State of Pennsylvania into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled: "Pure Cocoa."

Adulteration was alleged in the libel for the reason that shell material had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to a portion of the article for the further reason that the statement "Pure Cocoa" was false and misleading, and deceived and misled the purchaser when applied to cocoa containing added shell material.

On December 7, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19094. Adulteration of raspberry puree. U. S. v. 15 Barrels of Raspberry Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26973. I. S. Nos. 12972, 31308. S. No. 5080.)

Samples of raspberry puree from the shipment herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On September 15, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 barrels of raspberry puree, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped on or about July 18, 1931, from Tacoma, Wash., consigned by the R. D. Bodle Co., and had been transported in interstate commerce from the State of Washington into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Raspberry Puree."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On December 4, 1931, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19095. Adulteration of dried figs. U. S. v. 593 Boxes of Dried Figs. Consent decree of condemnation and forfeiture. Product released under bond for salvage; subsequently destroyed. (F. & D. No. 27089. I. S. No. 29289. S. No. 5332.)

Samples of dried figs from the shipment herein described having been found to be moldy, sour, and insect-infested, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On October 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 593 boxes of dried figs at New York, N. Y., alleging that the article had been shipped by George Zaninovich, from Orange Cove, Calif., on or about September 30, 1931, and had been transported from the State of California into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On December 17, 1931, George Zaninovich, Orange Cove, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered. The decree provided that the product might be released to the claimant upon payment of costs and the execution of a bond in the sum of \$2,500, conditioned in part that the good portion be separated from the bad portion, and that the rejections, or the entire lot in the event the separation had not been accomplished to the satisfaction of this department, be destroyed or denatured. The results of the attempted salvaging having been unsatisfactory, the product was destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19096. Adulteration of apples. U. S. v. 714 Boxes of Apples. Decree entered providing for release of product under bond. (F. & D. No. 27087. I. S. No. 44544. S. No. 5329.)

Examination of samples of apples from the shipment herein described having shown that the product contained added lead and arsenic, the Secretary of Agriculture reported the matter to the United States attorney for the District of Kansas.

On or about October 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and

condemnation of 714 boxes of apples at Kansas City, Kans., alleging that the article had been shipped by the Wenatchee Okanogan Cooperative Federation, from Wenatchee, Wash., on or about September 30, 1931, and had been transported from the State of Washington into the State of Kansas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "100 Ex Fancy Delicious * * * J. T. Cole Wenatchee Wash. Wenoka Apples * * * Grown and Packed by Wenatchee Federated Growers, Wenatchee Wash."

It was alleged in the libel that the article was adulterated for the reason that it contained added poisonous or deleterious ingredients, to wit, lead and arsenic, which might have rendered the article injurious to health.

On January 21, 1932, the Midwest Ice & Cold Storage Co., Kansas City, Kans., having appeared as claimant for the property, judgment was entered finding the product adulterated as charged in the libel, and it was ordered by the court that the claimant be allowed to treat the apples under the supervision of this department in such manner that they would be made to comply with the Federal food and drugs act, upon the execution of a bond in the sum of \$2,000. It was further ordered that upon compliance with the terms of the decree, the apples be released.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19097. Misbranding of canned peas. U. S. v. 356 Cases, et al., of Canned Peas. Consent decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. Nos. 27074, 27090. I. S. Nos. 35092, 35095. S. Nos. 5304, 5328.)

Examination of samples of canned peas from the shipments herein described having shown that the article fell below the standard promulgated by this department for canned peas, in that it contained hard peas, and the label having failed to bear a statement that the article fell below such standard, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about October 19 and October 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 594 cases of canned peas at Chicago, Ill., alleging that the article had been shipped by the Wabash Canning Corporation, Wabash, Ind., on or about July 18 and July 31, 1931, and had been transported from the State of Indiana into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cans) "White Cloud Brand Selected Early June Peas * * * Wabash Packed Fresh From the Field, by the Wabash Canning Corporation, Wabash, Ind."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality promulgated by the Secretary of Agriculture for such canned food, in that it contained hard peas and the labels did not bear the statement prescribed by the Secretary of Agriculture indicating that such product fell below such standard.

On January 5, 1932, the Wabash Canning Corporation, Wabash, Ind., claimant, having admitted the allegations of the libels, and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant for relabeling, under the supervision of this department, upon the payment of costs and the execution of bonds totaling \$2,000, conditioned in part that it should not be sold or otherwise disposed of contrary to the provisions of the food and drugs act, or to the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19098. Adulteration of tomato catsup. U. S. v. 68 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27050. I. S. No. 21635. S. No. 5285.)

Samples of tomato catsup from the shipment herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On October 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 68 cases of tomato catsup, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by

the West Point Canning Co., from Clearfield, Utah, or on about February 5, 1931, and had been transported from the State of Utah into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Lavora Brand Catsup, packed by Smith Canning Co., Clearfield, Utah."

It was alleged in the libel that the product consisted in part of a decomposed vegetable substance.

On December 1, 1931, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19099. Misbranding of canned black raspberries. U. S. v. 176 Cases of Black Raspberries. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27049. I. S. No. 40487. S. No. 5282.)

Samples of canned black raspberries from the shipment herein described having been found to be short weight, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about October 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 176 cases of canned black raspberries at Chicago, Ill., alleging that the article had been shipped by the Fredonia Salsina Canning Co. (Inc.), from Fredonia, N. Y., on or about July 20, 1931, and had been transported from the State of New York into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was misbranded in that the statements on the can label, "Contents 6 Lbs. 10 Ozs. Sky Lark Brand Black Raspberries * * * Packed by Fredonia Salsina Canning Co., Inc., Fredonia, N. Y.," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 3, 1931, the Fredonia Salsina Canning Co. (Inc.), claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for relabeling, under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, or other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19100. Adulteration and misbranding of butter. U. S. v. 38 Boxes of Alleged Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26140. I. S. No. 27914. S. No. 4366.)

Examination of the alleged butter herein described having shown that it consisted chiefly of lard and contained practically no butterfat, the Secretary of Agriculture reported the matter to the United States attorney for the Middle District of Pennsylvania.

On March 9, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 38 boxes of alleged butter, remaining in the original unbroken packages at Harrisburg, Pa., consigned on or about February 25, 1931, alleging that the article had been shipped by L. Ferris, commission merchant, New York, N. Y., and had been transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The label of the article bore the statements, "Pure Creamery Butter One Pound Net," and pictures of a cow in a stable and of a girl operating a churn.

It was alleged in the libel that the article was adulterated in that a substance, yellow oleomargarine, had been substituted wholly or in part for the said article, and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength. Adulteration was alleged for the further reason that a valuable constituent of the article, butterfat, had been abstracted.

Misbranding was alleged for the reason that the statement, "Pure Creamery Butter," together with the pictures of a cow in stable and of a girl operating a churn, borne on the label, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On June 8, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19101. Misbranding of canned peas. U. S. v. 21 Cases of Canned Peas. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27211. I. S. No. 29287. S. No. 5379.)

Samples of canned peas from the shipment herein described having been found to contain an excessive amount of hard peas, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On November 4, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 21 cases of canned peas, remaining in the original unbroken packages at Passaic, N. J., alleging that the article had been shipped on or about July 23, 1931, by Thomas Roberts & Co., from Keymar, Md., and had been transported from the State of Maryland into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cans) "Silver Run Brand Early June Peas Contents 11 Oz. Packed by A. W. Feeser & Co. Inc. * * * Silver Run, Carroll Co. Md."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality, and condition promulgated by the Secretary of Agriculture for such canned food, since it contained an excessive amount of hard peas and its package or label did not bear a plain and conspicuous statement indicating that it fell below such standard.

On December 8, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19102. Adulteration of canned salmon. U. S. v. 116½ Cases of Canned Salmon. Default decree of condemnation and destruction. (F. & D. No. 27101. I. S. Nos. 36207, 36208. S. No. 5340.)

Samples of salmon from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Kansas.

On October 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 116½ cases of canned salmon, remaining in the original unbroken packages at Topeka, Kans., alleging that the article had been shipped on or about August 21, 1931, by the R. E. Cotter Co., from San Francisco, Calif., and had been transported in interstate commerce from the State of California into the State of Kansas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "IGA Brand Pink Salmon packed for the Independence Grocers Alliance Distributing Co. Chicago, Illinois."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On December 31, 1931, no claimant having appeared, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19103. Adulteration of canned turnip greens. U. S. v. 16 Dozen Cans of Turnip Greens. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25745. I. S. No. 14420. S. No. 3996.)

Samples of canned turnip greens from the shipment herein described having been found to be decomposed and sour, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of North Carolina.

On January 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 16 dozen cans of turnip greens, remaining in the original unbroken packages at Lincolnton, N. C., alleging that the article had been shipped by the Pomona Products Co., from Griffin, Ga., on or about September 24, 1930, and had been transported from the State of Georgia into the State of North Carolina, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Georgia Belle Brand * * * Turnip Greens Packed by Pomona Products Co., Griffin, Ga."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On June 30, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19104. Adulteration of tomato catsup. U. S. v. 150 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27052. I. S. No. 12605. S. No. 5288.)

Samples of tomato catsup from the shipment herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the District of Idaho.

On October 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 150 cases of tomato catsup, remaining in the original unbroken packages at Boise, Idaho, alleging that the article had been shipped by the Utah Canning Co., Springville, Utah, on or about June 12, 1931, and had been transported from the State of Utah into the State of Idaho, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Pierce's Tomato Catsup. * * * The Utah Canning Company, Ogden, Utah."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On November 16, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19105. Adulteration and misbranding of banana concentrate. U. S. v. 4 Gallons of Popsicle Flavoring Sirup, Banana Flavor. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26912. I. S. No. 22777. S. No. 5092.)

Examination of samples of banana concentrate from the shipments herein described having been shown that the article was an artificially flavored and colored imitation product containing little, if any, fruit extraction, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On September 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure of 4 gallons of Popsicle flavoring sirup, banana flavor, remaining in the original unbroken packages at Denver, Colo., consigned by the Joe Lowe Corporation, Los Angeles, Calif., in various consignments on or about April 15, June 22, and June 24, 1931, alleging that the article had been shipped in interstate commerce from Los Angeles, Calif., into the State of Colorado, and that it was adulterated and misbranded in violation of the food and drugs act. The article was labeled in part: "One Gallon * * * Banana Concentrate * * * the Popsicle Corporation of the United States—represented by two exclusive agents Joe Lowe Corporation, Citrus Products Company." The label also bore the statement in small, inconspicuous type: "Artificial flavor and color."

It was alleged in the libel that the article was adulterated in that a banana concentrate, artificially colored and flavored and containing little, if any, natural banana juice, had been substituted in part for the article, and had been mixed and packed with it so as to reduce and lower its quality. Adulteration was alleged for the further reason that the article had been mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement "Banana Concentrate," was false and misleading, and deceived and misled the purchaser when applied to a concentrate artificially colored and flavored that contained

little, if any, of the natural fruit. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On December 8, 1931, the Joe Lowe Corporation, Los Angeles, Calif., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$40, conditioned in part that it be relabeled and that it should not be sold or otherwise disposed of contrary to the laws of the United States or of the State of Colorado.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19106. Adulteration of canned tuna. U. S. v. 30 Cases of Canned Tuna. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26470. I. S. No. 15162. S. No. 4759.)

Samples of canned tuna from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Tennessee.

On June 9, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 cases of canned tuna at Memphis, Tenn., alleging that the article had been shipped on or about April 28, 1931, by the California Sea Food Co., from Los Angeles, Calif., and had been transported in interstate commerce from the State of California into the State of Tennessee, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Results Brand California Light Meat Tuna Salad Pieces Tuna Pattie Guaranteed by M. O. Covington Company, Los Angeles, California, Net Weight 6½ Oz."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed animal substance unfit for food.

On February 4, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19107. Misbranding of canned tomatoes. U. S. v. 992 Cases of Tomatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27203. I. S. No. 38684. S. No. 5370.)

Examination of samples of canned tomatoes from the shipment herein described having shown that the article was substandard in that it contained an excessive amount of peel, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On November 2, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 992 cases of canned tomatoes at New York, N. Y., alleging that the article had been shipped on or about October 1, 1931, by the Frederica Packing Co., from Felton, Del., and had been transported from the State of Delaware into the State of New York, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cans) "Three Castles Brand Hand Packed Tomatoes. * * * Embassy Grocery Corp. Distributors, New York, N. Y."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality promulgated by the Secretary of Agriculture, since it contained an excessive amount of peel and its package or label did not bear a plain and conspicuous statement as prescribed, indicating that it fell below such standard.

On January 5, 1932, the Embassy Grocery Corporation, New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that the labels be removed from the cans and the following label affixed thereto: "Frederica Brand Tomatoes Below U. S. Standard Low Quality but Not Illegal. * * * Packed by Frederica Packing Company, Frederica, Delaware."

ARTHUR M. HYDE, *Secretary of Agriculture.*

19108. Adulteration of canned salmon. U. S. v. 102 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond. (F. & D. No. 27027. I. S. No. 34725. S. No. 5254.)

Samples of salmon from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On October 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 102 cases of canned salmon, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped on or about August 20, 1931, by the E. H. Hamlin Co., from Seattle, Wash., and had been transported in interstate commerce from the State of Washington into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Uncle Sam Brand Pink Alaska Salmon packed by Kadiak Fisheries Co., Kodiak, Alaska. Office—Seattle, Washington."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On February 24, 1932, the Kadiak Fisheries Co., Kodiak, Alaska, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant for the purpose of segregating the part violating the food and drugs act from the part that did not, upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or disposed of contrary to the food and drugs act or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19109. Adulteration of canned salmon. U. S. v. 1,096 Cases, et al., of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 27037, 27041. I. S. Nos. 29048, 29049. S. Nos. 5269, 5270.)

Samples of salmon from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On October 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid, libels praying seizure and condemnation of 1,195 cases of canned salmon, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by B. F. Stone, from Astoria, Oreg., consigned on or about August 19, 1931, and had been transported in interstate commerce from the State of Oregon into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Bright Eye Brand Alaska Pink Salmon. Packed by Diamond K. Packing Co. Wrangell, Alaska, * * * Distributed by B. F. Stone, Astoria, Ore. U. S. A."

It was alleged in the libels that the article was adulterated in that it consisted in part of a decomposed animal substance.

On December 31, 1931, the cases having been consolidated, and the Kadiak Fisheries Co., claimant, having admitted the allegations of the libels, judgment was entered condemning and forfeiting the product and ordering that claimant pay costs. The court ordered that a portion of the product which had been found to be unadulterated be released and the remainder shipped to Seattle under bond in the sum of \$5,000, in order to determine whether any part thereof was fit for food; that attempted segregation be made under the supervision of this department; that no portion be disposed of in violation of the food and drugs act or other existing laws, and that the bad portion, or all if attempts at segregation were unsuccessful, be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19110. Adulteration of Antipasto. U. S. v. 100 Cases, et al., of Antipasto. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 26502, 26503, 26504, 26505, 26506. I. S. Nos. 11424, 11425, 12926, 12927, 12928, 12929, 12930, 12945, 12946. S. Nos. 4797, 4799, 4800, 4801, 4802.)

Samples of Antipasto from the shipments herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On June 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 198 cases of Antipasto at San Francisco, Calif., alleging that the article had been shipped in foreign commerce from Italy and had been entered at the Port of San Francisco, Calif., on various dates between January 20 and April 14, 1931, and that it was adulterated in violation of the food and drugs act. The article was labeled in part: (Cases) "Stabilimento A Vapore Di Conservare Alimentari Marca Depositata Flli Garosci Di Giovanni Torino Italy * * * San Francisco Cal.;" (cans) "L'Excelsior Degli Antipasti Il Sole Flli Garosci Di Giovanni * * * Torino Italy * * * Tonno-Funghi-Olive-Cipolline * * * In Salsa Net Contents 6 Oz."

Adulteration was alleged in the libels for the reason that the article consisted in part of a decomposed animal or vegetable substance.

On December 4 and December 5, 1931, respectively, no claimant having appeared for the product, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19111. Misbranding of apples. U. S. v. 275 Baskets of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27188. I. S. No. 38633. S. No. 5364.)

Examination of samples of apples, represented to be U. S. Grade No. 1, from the shipment herein described showed that an average of 20 per cent contained grade defects, consisting of sooty blotch, scars, cracks at stems, russet, undercolor, and insect injury.

On October 29, 1931, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 275 baskets of apples at New York, N. Y., alleging that the article had been shipped by the Martinsburg Fruit Exchange, Kearneysville, W. Va., on or about October 26, 1931, and had been transported from the State of West Virginia into the State of New York, and charging misbranding in violation of the food and drugs act. The product was labeled in part: (Baskets) "J. Howard McKee, Kearneysville, W. Va. U. S. No. 1, W.Va. A Grade Min.—2½ in."

It was alleged in the libel that the article was misbranded in that the designation "U. S. No. 1" was false and misleading when applied to apples falling below U. S. Grade No. 1.

On November 17, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19112. Misbranding of canned peas. U. S. v. 539 Cases of Canned Peas. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 27097. I. S. No. 39484. S. No. 5312.)

Samples of alleged early June peas from the shipment herein described having been found to contain an excessive quantity of hard and mature peas, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On October 22, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 539 cases of canned peas, remaining in the original unbroken packages at Norfolk, Va., alleging that the article had been shipped on or about August 22, 1931, by Phillips Packing Co. (Inc.), from Cambridge, Md., and had been transported in interstate commerce from the State of Maryland into the State of Virginia, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Cans) "Golden Rule Brand Early June Peas * * * Packed by Phillips Packing Co., Inc., Cambridge, Md."

It was alleged in the libel that the article was misbranded within the meaning of the food and drugs act as amended, in the case of food, in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, in that it contained an excessive quantity of hard and mature peas. to wit, more than 10 per cent, and its package or label did not bear a plain and conspicuous statement as prescribed, indicating that such canned food fell below such standard.

On November 30, 1931, the Phillips Packing Co. (Inc.), claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or disposed of contrary to the provisions of the food and drugs act or the laws of any State, Territory, district, or insular possession, and further conditioned that it be relabeled in part: "Below U. S. Standard. Low Quality, But Not Illegal." The decree further ordered that the bond be filed within 15 days from the date of the decree—which by order of December 3, 1931, was extended to 30 days—otherwise that it be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19113. Adulteration and misbranding of apples. U. S. v. 180 Barrels of Apples. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27237. I. S. No. 37571. S. No. 5418.)

Arsenic and lead having been found on samples of apples taken from the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On November 12, 1931 the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 180 barrels of apples, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by J. G. Maples from Tabler, W. Va., on or about November 5, 1931, and had been transported from the State of West Virginia into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "The Associated Orchards, Martinsburg, W. Va., J. G. Maples, Sales Manager * * * Peter Rabbit Brand York Imperials."

It was alleged in the libel that the article was adulterated for the reason that it contained added poisonous or deleterious ingredients, to wit, arsenic and lead, which might have rendered the article harmful to health.

Misbranding was alleged for the reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 14, 1931, the Associated Orchards, Martinsburg, W. Va., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for washing and relabeling under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$850, conditioned that the apples should not be sold or disposed of contrary to the provisions of the food and drugs act or the laws of any State Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19114. Adulteration of dried figs. U. S. v. 25 Boxes of Dried Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27098. I. S. No. 264. S. No. 5334.)

Samples of dried figs from the shipment herein described having been found to be decomposed and insect-infested, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On October 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 25 boxes of dried figs at Seattle, Wash., alleging that the article had been shipped on or about October 12, 1931, by Joe Mangini Draying Co. (Inc.), from San Francisco, Calif., and had been transported in interstate commerce from the State of California into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Shasta Brand Fancy White Adriatic Figs Grown and Packed by A. Ghiandi, Thormalito, Calif."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On February 11, 1932, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19115. Adulteration of butter. U. S. v. 26 Tubs of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 27830. I. S. No. 44983. S. No. 5422.)

Examination of butter from the shipment herein described having shown that the samples contained less than 80 per cent by weight of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Iowa.

On October 29, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 26 tubs of butter at Sioux City, Iowa, alleging that the article had been shipped by the Farmers Cooperative Creamery Co., from Humboldt, S. Dak., on or about October 20, 1931, and had been transported from the State of South Dakota into the State of Iowa, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, which should contain 80 per cent of milk fat as provided by the act of Congress of March 4, 1923.

On November 3, 1931, the Farmers Cooperative Creamery Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant to be reconditioned, under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$800, conditioned in part that it should not be sold or disposed of contrary to the food and drugs act or the laws of any State.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19116. Adulteration of canned sardines. U. S. v. 149 Cases of Canned Sardines. Decree of condemnation entered. Product released under bond. (F. & D. No. 26931. I. S. No. 36190. S. No. 5123.)

Samples of canned sardines from the shipment herein described were found to be partly diseased and decomposed. The product had been shipped by Connors Bros. (Ltd.), Black's Harbour, New Brunswick, Canada, from Boston, Mass.

On August 31, 1931, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 149 cases of canned sardines at Oklahoma City, Okla., alleging that the article had been shipped in interstate commerce from Boston, Mass., into the State of Oklahoma, on or about June 8, 1931, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Brunswick Brand Canadian Sardines In Oil Packed By Connors Bros. Ltd. Black's Harbour N. B. Canada."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance, and for the further reason that it was the product of a diseased animal.

On September 25, 1931, Carroll, Brough & Robinson Wholesale Co., and the Wallace Bros. Brokerage Co., both of Oklahoma City, Okla., having entered an appearance and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the Wallace Bros. Brokerage Co., upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold contrary to the provisions of the Federal food and drugs act, or the laws of any State, Territory, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19117. Misbranding of sweet pickles and sweet relish. U. S. v. 89 Cases of Pickles, et al. Default decree of destruction entered. (F. & D. No. 25999. I. S. Nos. 24928, 24929. S. No. 4268.)

Sample bottles of sweet pickles and sweet relish taken from the shipments herein described having been found to contain less than the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the District of Minnesota.

On March 7, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 89 cases of sweet pickles and 10 cases of sweet relish at St. Paul,

Minn., alleging that the article had been shipped by Walter Diehnelt (Inc.), from Milwaukee, Wis., in part on or about November 15, 1929, and in part on or about September 30, 1930, and had been transported from the State of Wisconsin into the State of Minnesota, and charging misbranding in violation of the food and drugs act as amended. The articles were labeled in part, respectively: (Bottles) "W. D. Brand Sweet Pickles Purity Quality 16 Oz. Net W. Diehnelt Inc. Milwaukee, Wis.," and "W. D. Brand Sweet Relish Purity Quality 5 Ozs. Net W. Diehnelt Inc. Milwaukee, Wis."

It was alleged in the libel that the articles were misbranded in that the statements, "16 Oz. Net" and "5 Oz. Net" on the labels, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the quantities stated were not correct.

On November 10, 1931, no claimant having appeared for the property, judgment was entered ordering that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19118. Adulteration of canned shrimp. U. S. v. 2,555 Cases of Canned Shrimp. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27220. I. S. No. 279. S. No. 5392.)

Samples of canned shrimp from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On November 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 2,555 cases of canned shrimp, remaining in the original unbroken packages at San Francisco, Calif., consigned by the Texas Canning Co., Galveston, Tex., alleging that the article had been shipped on or about October 10, 1931, from Galveston, Tex., and had been transported in interstate commerce from the State of Texas into the State of California, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed and putrid animal substance.

On November 23, 1931, the Texas Canning Co., Galveston Tex., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$5,000, conditioned in part that it should not be sold or disposed of contrary to the provisions of the food and drugs act or amendments thereof, or to the laws of any State, Territory, district, or insular possession, and further that it be made to conform with the law under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19119. Adulteration of cabbage. U. S. v. 7 Hampers of Cabbage. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27355. I. S. No. 43651. S. No. 5561.)

Arsenic having been found on samples of cabbage taken from the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On December 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of seven hampers of cabbage, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Sam Brown, Martin's Point, S. C., from Charleston, S. C., on or about December 5, 1931, and had been transported from the State of South Carolina into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous ingredient, to wit, arsenic, which might have rendered it injurious to health.

On December 30, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19120. Adulteration of butter. U. S. v. 10 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27827. I. S. No. 44966. S. No. 5424.)

Examination of butter from the shipment herein described having shown that the samples contained less than 80 per cent by weight of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Iowa.

On October 22, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 tubs of butter at Sioux City, Iowa, alleging that the article had been shipped by the Bridgewater Cooperative Creamery, from Bridgewater, S. Dak., on or about October 14, 1931, and had been transported from the State of South Dakota into the State of Iowa, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, which should contain 80 per cent of milk fat as provided by the act of Congress of March 4, 1923.

On October 29, 1931, A. Sjoberg, claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant to be reconditioned, under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$350, conditioned in part that it should not be sold or disposed of contrary to the food and drugs act or the laws of any State.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19121. Adulteration of canned salmon. U. S. v. 58 Cases of Medium Red Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26992. I. S. No. 22356. S. No. 5210.)

Samples of canned salmon from the shipment herein described having been found to be tainted or stale, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On September 25, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 58 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped on or about August 13, 1930, by the Iverson Packing Co., from Ketchikan, Alaska, and had been transported in interstate commerce from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On February 9, 1932, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19122. Misbranding of grapefruit juice. U. S. v. 100 Cases of Grapefruit Juice. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26414. I. S. No. 20466. S. No. 4727.)

Samples of grapefruit juice from the shipment herein described having been found to be short weight, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On May 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 100 cases of grapefruit juice, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Florida Fruit Cannery (Inc.), from Frostproof, Fla., on or about February 16, 1931, and had been transported from the State of Florida into the State of New York, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Contents 11 Oz. * * * Florida Fruit Cannery, Inc., * * * Frostproof, Florida."

Misbranding was alleged in the libel for the reason that the statement "Contents 11 Oz." was false and misleading and deceived and misled the purchaser; misbranding was alleged for the further reason that the product was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 15, 1931, the Florida Fruit Canners (Inc.), claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be relabeled "Contents 9½ Fl. Oz." and should not be disposed of except in compliance with the law, State and Federal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19123. Adulteration of dressed poultry. U. S. v. 2 Barrels of Dressed Poultry (Chickens). Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27263. I. S. No. 44088. S. No. 5442.)

Samples of dressed chickens from the shipment herein described having been found to be diseased and decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On November 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of two barrels of dressed poultry at Chicago, Ill., alleging that the article had been shipped on or about November 10, 1931, by the Weinberg Products Corporation, from Minneapolis, Minn., and had been transported in interstate commerce from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, putrid, and decomposed animal substance; adulteration was further alleged for the reason that the article was the product of diseased animals.

On January 11, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19124. Adulteration of herring. U. S. v. 3 Boxes, et al., of Herring. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 27866, 27873. I. S. Nos. 44164, 50284. S. Nos. 5715, 5717.)

Samples of herring from the shipment herein described having been found to be infested with worms and unfit for food, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On December 14, 1931 and December 15, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of six boxes of herring at Chicago, Ill., alleging that the article had been shipped by T. R. Midbrod, from Beaver Bay, Minn., in part on or about December 8, 1931, and in part on or about December 11, 1931, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of a portion of an animal unfit for food.

On January 11, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19125. Misbranding of canned sardines. U. S. v. 35 Cases, et al., of Canned Sardines. Decrees of condemnation and forfeiture. One case delivered to charitable institution. Remainder released under bond. (F. & D. Nos. 27240, 27241, 27242. I. S. No. 30375. S. No. 5406.)

Examination of samples of canned sardines from the import shipment herein described, which arrived at the port of New York on October 14, 1931, having shown that the article was short weight, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On November 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid three libels praying seizure and

condemnation of a total of 156 cases of canned sardines, alleging that the article had been shipped by Uniao Industrial Lda., from Portimao, Portugal, that it remained unsold in the original unbroken packages at New York, N. Y., and that it was misbranded in violation of the food and drugs act as amended. The article was labeled in part: (Tin) "Portuguese Skinless and Boneless Sardines in Olive Oil Titbit Brand Net Contents 8 Oz. Extra Quality * * * Importe du Portugal Packed in Portugal."

It was alleged in the libels that the article was misbranded in that the statement "Net Contents 8 Oz." was false and misleading and deceived and misled the purchaser, since the tins contained less than 8 ounces. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On January 11, 1932, no claimant having appeared, judgment of condemnation and forfeiture was entered against one case of the product and it was ordered by the court that the said case be delivered to a charitable institution. On January 15, 1932, S. Isenberg (Inc.), having appeared as claimant for the remainder of the property, and having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of bonds totaling \$2,000, conditioned in part that it be relabeled under the supervision of this department with a plain and conspicuous statement of the weight as follows: "Net Weight 7½ Ozs."

ARTHUR M. HYDE, *Secretary of Agriculture.*

19126. Misbranding of canned peas. U. S. v. 500 Cases of Canned Peas. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 27246. I. S. No. 29275. S. No. 5417.)

Examination of samples of canned peas from the shipment herein described having shown that the article fell below the standard promulgated by this department for canned peas, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of New York.

On November 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 500 cases of canned peas, remaining in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by the Kirby Canning Co., from Trappe, Md., on or about July 20, 1931, and had been transported from the State of Maryland into the State of New York, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Pride of the Farm Brand Sifted Early June Peas Thomas Roberts & Co. Philadelphia, Pa. U. S. A. Distributors."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, since it contained an excessive percentage of hard peas, and its package or label did not bear a plain and conspicuous statement as prescribed indicating that it fell below such standard.

On December 23, 1931, Austin, Nichols & Co. (Inc.), claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled under the supervision of this department and that it should not be sold or disposed of contrary to law, both State and Federal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19127. Adulteration of herring. U. S. v. 8 Boxes of Herring. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27862. I. S. No. 44168. S. No. 5734.)

Samples of herring from the shipment herein described having been found to be infested with worms and unfit for food, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On December 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of eight boxes of herring at Chicago, Ill., alleging that the article

had been shipped by Mike Myers, jr., from Beaver Bay, Minn., on or about December 11, 1931, and had been transported from the State of Minnesota into the State of Illinois and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of a portion of an animal unfit for food.

On January 11, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19128. Adulteration of butter. U. S. v. 25 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27838. I. S. No. 42725. S. No. 5803.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On January 23, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 25 tubs of butter at New York, N. Y., alleging that the article had been shipped by the Merchants Creamery Co., Cincinnati, Ohio, on or about January 14, 1932, and had been transported from the State of Ohio into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing not less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by law.

Frederick F. Lowenfels & Son, agent for the Merchants Creamery Co., Cincinnati, Ohio, interposed a claim for the product and admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On February 2, 1932, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be delivered to the said claimant upon payment of costs and the execution of a bond in the sum of \$600, conditioned in part that it be reworked so that it comply with the law, and that it should not be disposed of until examined and released by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19129. Adulteration of canned shrimp. U. S. v. 250 Cases of Canned Shrimp. Consent decree of condemnation and forfeiture. Product released under bond for relabeling. (F. & D. No. 27283. I. S. No. 44820. S. No. 5425.)

Examination of samples of canned shrimp from the shipment herein described having shown that the article contained excessive brine, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On December 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 250 cases of canned shrimp at Chicago, Ill., alleging that the article had been shipped by Deer Island Fish & Oyster Co., from Biloxi, Miss., on or about September 26, 1931, and had been transported in interstate commerce from the State of Mississippi into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that excessive brine had been substituted in part for the said article.

On December 18, 1931, Messcher Brokerage Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for relabeling, under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or disposed of contrary to the provisions of the food and drugs act, or to the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19130. Adulteration and misbranding of cane sirup. U. S. v. 371 Cases, et al., of Cane Sirup. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 26924, 26925. I. S. Nos. 374 ?, 37443, 37444, 37445. S. Nos. 5131, 5132.)

Examination of samples of sirup from the shipments herein described having shown that the product contained added undeclared molasses, and that a portion of the cans contained less than the declared volume, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Arkansas.

On September 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 568 cases of cane sirup, in part at Dermott, Ark., and in part at Pine Bluff, Ark., alleging that the article had been shipped on or about May 18, and May 20, 1931, respectively, by Chauvin Bros. Preserving Co., from Burnside, La., and had been transported in interstate commerce from the State of Louisiana into the State of Arkansas, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cases) "Phoenix Brand Syrup;" (cans) "Cane Syrup." A portion of the article was further labeled: (Cans) "Net contents 3 Qts. 7 Fl. Ozs."

It was alleged in the libel that the article was adulterated in that molasses had been mixed and packed therewith so as to reduce or lower and injuriously affect its quality or strength, and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statements, "Cane Syrup" and "Net Contents 3 Qts. 7 Fl. Ozs.," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made as to the quantity of the contents was not correct.

On November 29, 1931, Chauvin Bros. Preserving Co., Burnside, La., claimant, having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant to be correctly labeled, under the supervision of this department, upon payment of costs and the execution of good and sufficient bonds.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19131. Adulteration of herring. U. S. v. 2 Boxes of Herring. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27880. I. S. No. 44134. S. No. 5707.)

Samples of herring from the shipment herein described having been found to be infested with worms and unfit for food, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On December 11, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of two boxes of herring at Chicago, Ill., alleging that the article had been shipped by Enok Edwardsen, from Beaver Bay, Minn., on or about December 4, 1931, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of a portion of an animal unfit for food.

On January 11, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19132. Adulteration of herring. U. S. v. 3 Boxes of Herring. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27855. I. S. No. 44152. S. No. 5736.)

Samples of herring from the shipment herein described having been found to be infested with worms and unfit for food, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On December 11, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and

condemnation of three boxes of herring at Chicago, Ill., alleging that the article had been shipped by Oscar M. Pederson, from Beaver Bay, Minn., on or about December 4, 1931, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of a portion of an animal unfit for food.

On January 11, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19133. Adulteration of blackfins. U. S. v. 30 Cases of Blackfins. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27844. I. S. No. 40473. S. No. 5502.)

Samples of blackfins from the shipment herein described having been found to be infested with worms and unfit for food, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On November 23, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 cases of blackfins at Chicago, Ill., alleging that the article had been shipped by Fred Lessard, from Northfield, Minn., on or about November 15, 1931, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of a portion of an animal unfit for food.

On January 11, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19134. Adulteration of tomato catsup. U. S. v. 37 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27275. I. S. No. 31675. S. No. 5455.)

Samples of tomato catsup from the shipment herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Texas.

On November 23, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 37 cases of tomato catsup at El Paso, Tex., alleging that the article had been shipped on or about October 31, 1930, by the Wm. Craig Canning Co., from Ogden, Utah, and had been transported in interstate commerce from the State of Utah into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Case) "Royal Brand Tomato Catchup Wm. Craig Canning Co. Ogden, Utah;" (can) "Craig's Royal Brand Tomato Catchup Made from Trimmings Packed by Wm. Craig, Ogden, Utah."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed, putrid vegetable substance and was wholly inedible; and for the further reason that a substance, an inedible product, had been substituted wholly or in part for the said article.

On February 6, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19135. Adulteration of butter. U. S. v. 14 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond for reworking. (F. & D. No. 27148. I. S. No. 38842. S. No. 5300.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress,

the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On October 2, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel of information praying seizure and condemnation of 14 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned about September 24, 1931, alleging that the article had been shipped by George Freese's Sons Co., Fostoria, Ohio, and had been transported from the State of Ohio into the State of Massachusetts, and charging adulteration in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, which the article purported to be.

On October 5, 1931, George Freese's Sons Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act or the laws of any State, Territory, district, or insular possession. It was further ordered that the product be reworked under the supervision of this department so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19136. Adulteration of Brazil nuts. U. S. v. Wm. A. Higgins & Co. (Inc.). Plea of guilty. Fine, \$100. (F. & D. No. 26662. I. S. No. 13687.)

Samples of Brazil nuts from the shipment herein described having been found to be moldy, rancid, decomposed, empty, or shriveled, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On December 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Wm. A. Higgins & Co. (Inc.), New York, N. Y., alleging shipment by said company on or about November 21, 1930, from the State of New York into the State of Illinois, of a quantity of Brazil nuts which were adulterated. The article was labeled in part: "Sun Glo Selected Large Washed Manaos Brazils Wm. A. Higgins & Co., Inc., New York."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed and putrid vegetable substance.

On December 7, 1931, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19137. Adulteration and misbranding of grated cheese. U. S. v. 22 Dozen Packages of Grated Cheese. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27289. I. S. No. 31848. S. No. 5462.)

Examination of samples of grated cheese labeled American cheese from the shipments herein described having shown the product was not whole milk cheese and was deficient in fat, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On December 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 22 dozen packages of grated cheese, remaining in the original unbroken packages at Denver, Colo., consigned by the Borden Sales Co. (Inc.), alleging that the article had been shipped on or about August 25, 1931, and September 19, 1931, from Plymouth, Wis., and had been transported in interstate commerce from the State of Wisconsin into the State of Colorado, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Cases) "Borden's Grated Cheese, American. * * * The Borden Sales Co., Inc., New York, Chicago, * * * Distributors;" (retail packages) "Borden's Grated American Cheese. Whole Milk Cheese combined with nutritious wholesome milk solids."

It was alleged in the libel that the article was adulterated in that a product other than cheese had been mixed and packed with and substituted for cheese.

Misbranding was alleged for the reason that the statements, "Cheese" and "American Cheese," were false and misleading and deceived and misled the purchaser; misbranding was further alleged in that the product was sold under the distinctive name of another article.

On February 9, 1932, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19138. Adulteration of butter. U. S. v. 15 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27663. I. S. No. 42707. S. No. 5651.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On December 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 tubs of butter at New York, N. Y., alleging that the article had been shipped by the Conger Cooperative Creamery, Conger, Minn., on or about December 12, 1931, and had been transported from the State of Minnesota into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by law.

Gude Bros., Kieffer Co., agent for the Conger Cooperative Creamery Association, Conger, Minn., interposed a claim for the product and admitted the allegation of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On January 25, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the said claimant upon payment of costs and the execution of a bond in the sum of \$600, conditioned in part that it be reworked so that it comply with the law, and that it should not be disposed of until examined and released by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19139. Adulteration of butter. U. S. v. 7 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27841. I. S. No. 42724. S. No. 5785.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On January 19, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of seven tubs of butter at New York, N. Y., alleging that the article had been shipped by the West Union Farmers Creamery Co., West Union, Iowa, through the Cooperative Creamery Dairy Line, Independence, Iowa, on or about January 8, 1932, and had been transported from the State of Iowa into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by law.

E. R. Balzer, agent for West Union Farmers Creamery Co., interposed a claim for the product and admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On January 30, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the said claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it be reworked so that it comply with the law, and that it should not be disposed of until examined and released by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19140. Adulteration of butter. U. S. v. 14 Tubs, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27840. I. S. No. 42708. S. No. 5664.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On December 28, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 43 tubs of butter at New York, N. Y., alleging that the article had been shipped by the Sardis Creamery, Sardis, Miss., on or about December 8, 1931, and had been transported from the State of Mississippi into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by law.

Zenith-Godley Co. (Inc.), agent for Peter Fox Sons Co., Chicago, Ill., interposed a claim for the product and admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On January 6, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reworked so that it comply with the law, and that it should not be disposed of until examined and released by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19141. Adulteration of herring. U. S. v. 3 Boxes, et al., of Herring. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 27854, 27859. I. S. Nos. 44145, 44167. S. Nos. 5732, 5733.)

Samples of herring from the shipments herein described having been found to be infested with worms and unfit for food, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On December 11, 1931 and December 15, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of six boxes of herring at Chicago, Ill., alleging that the article had been shipped by Ed Ness, from Beaver Bay, Minn., in part on or about December 4, 1931, and in part on or about December 11, 1931, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of a portion of an animal unfit for food.

On January 11, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19142. Adulteration of herring. U. S. v. 4 Cases, et al., of Herring. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 27864, 27865, 27867, 27879, 27882. I. S. Nos. 44141, 44157, 44166, 50278, 50296. S. Nos. 5708, 5709, 5710, 5711, 5712.)

Samples of herring from the shipments herein described having been found to be infested with worms and unfit for food, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On December 11, December 14, and December 15, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 21 cases or boxes of herring at Chicago, Ill., alleging that the article had been shipped by Thor Carlsen, from Schroeder, Minn., in various consignments, on or about December 4, December 8, and December 11, 1931, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of a portion of an animal unfit for food.

On January 11, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19143. Misbranding of alfalfa molasses feed. U. S. v. 400 Sacks of Alfalfa Molasses Feed. Consent decree providing for release of product under bond to be relabeled. (F. & D. No. 27889. I. S. No. 13769. S. No. 5569.)

Examination of the shipment of alfalfa molasses feed herein described having shown that the quantity of the contents was not plainly and conspicuously marked on the outside of the package, the matter was reported to the United States attorney for the Western District of Missouri by an official of the Missouri State Feed Inspection service.

On November 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 400 sacks of alfalfa molasses feed, remaining in the original unbroken packages at St. Joseph, Mo., alleging that the article had been shipped on or about November 14, 1931, by the Fredrickson Milling Co., from Fremont, Nebr., and had been transported in interstate commerce from the State of Nebraska into the State of Missouri, and charging misbranding in violation of the food and drugs act as amended.

Misbranding was alleged in the libel for the reason that the packages contained no statement as to the net weight of each package.

On January 8, 1932, the Fredrickson Milling Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product misbranded and ordering that it be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be labeled according to law and that it should not be sold or disposed of contrary to the food and drugs act, or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19144. Adulteration of herring. U. S. v. 3 Boxes, et al., of Herring. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 27852, 27853, 27874. I. S. Nos. 44163, 50276, 50279. S. Nos. 5713, 5714, 5716.)

Samples of herring from the shipments herein described having been found to be infested with worms and unfit for food, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On December 14, 1931 and December 15, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of nine boxes or cases of herring at Chicago, Ill., alleging that the article had been shipped by T. R. Midbrod, from Beaver Bay, Minn., in various consignments, on or about December 8, 1931 and December 11, 1931, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of a portion of an animal unfit for food.

On January 11, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19145. Adulteration of herring. U. S. v. 3 Boxes, et al., of Herring. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 27863, 27872. I. S. Nos. 35089, 44143. S. Nos. 5259, 5735.)

Samples of herring from the shipments herein described having been found to be infested with worms and unfit for food, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On September 23, 1931 and December 11, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of six boxes of herring at Chicago, Ill., alleging that the article had been shipped by Ed Mattson, from Beaver Bay, Minn., in part on or about September 18, 1931, and in part on or about December 4, 1931, and had been transported from the State of Minnesota into the State of Illinois and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of a portion of an animal unfit for food.

On November 24, 1931 and January 11, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19146. Adulteration of herring. U. S. v. 4 Boxes, et al., of Herring. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 27857, 27870, 27877. I. S. Nos. 44126, 44129, 44165. S. Nos. 5729, 5730, 5731.)

Samples of herring from the shipments herein described having been found to be infested with worms and unfit for food, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On December 11, 1931, and December 15, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 12 boxes or cases of herring at Chicago, Ill., alleging that the article had been shipped by Herman Mickelson, from Little Marais, Minn., in part on or about December 4, 1931, and in part on or about December 11, 1931, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of a portion of an animal unfit for food.

On January 11, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19147. Adulteration of herring. U. S. v. 3 Boxes, et al., of Herring. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 27843, 27869, 27871, 27876. I. S. Nos. 44131, 44135, 44146, 50297. S. Nos. 5724, 5725, 5726, 5727.)

Samples of herring from the shipments herein described having been found to be infested with worms and unfit for food, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On December 10, December 11, and December 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 12 boxes or cases of herring at Chicago, Ill., alleging that the article had been shipped by Russell Ege, from Beaver Bay, Minn., in various consignments, on or about December 4, 1931, and December 8, 1931, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of a portion of an animal unfit for food.

On January 11, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19148. Adulteration of herring. U. S. v. 4 Boxes of Herring. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27856. I. S. No. 50285. S. No. 5728.)

Samples of herring from the shipment herein described having been found to be infested with worms and unfit for food, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On December 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of four boxes of herring at Chicago, Ill., alleging that the article had been shipped from Little Marais, Minn., by H. Mickelsen on or about December 8, 1931, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of a portion of an animal unfit for food.

On January 11, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19149. Adulteration of herring. U. S. v. 3 Boxes, et al. of Herring. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 27858, 27860, 27861, 27868, 27875, 27878, 27881. I. S. Nos. 35088, 44132, 44136, 44142, 44147, 44169, 50286. S. Nos. 5258, 5718, 5719, 5720, 5721, 5722, 5723.)

Samples of herring from the shipments herein described having been found to be infested with worms and unfit for food, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On September 23, December 11, December 14, and December 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 21 boxes or cases of herring at Chicago, Ill., alleging that the article had been shipped by R. R. Midbrod, from Beaver Bay, Minn., in various consignments, on or about September 18, December 4, December 8, and December 11, 1931, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of a portion of an animal unfit for food.

On November 24, 1931, and January 11, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19150. Adulteration of butter. U. S. v. Sunlight Produce Co. Plea of guilty. Fine, \$50. (F. & D. No. 25040. I. S. Nos. 036836, 036838.)

Samples of butter from the shipments herein described having been found to contain less than 80 per cent of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Wisconsin.

On October 25, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Sunlight Produce Co., a corporation, Superior, Wis., alleging shipment by said company in violation of the food and drugs act, in part on or about April 7, 1930, and in part on or about April 23, 1930, from the State of Wisconsin into the State of Minnesota of quantities of butter that was adulterated. A portion of the article was contained in tubs labeled in part: "Sunlight Creamery Butter." The remainder was contained in packages labeled in part: "Sunlight Creamery Butter. The Cudahy Packing Co., Distributors * * * Chicago, Ill."

It was alleged in the information that the article was adulterated in that a product which contained less than 80 per cent of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight

of milk fat as prescribed by the act of March 4, 1923, which the said article purported to be.

Misbranding was alleged for the reason that the statement, "Butter," borne on the tubs and packages containing the article, was false and misleading; and for the further reason that the article was labeled butter so as to deceive and mislead the purchaser, since the said statement represented that the article was butter, a product which should contain not less than 80 per cent of milk fat as required by law, whereas it was not.

On August 20, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

ARTHUR M. HYDE, *Secretary of Agriculture.*

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U. S. D. 19151-19200

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

19151-19200

[Approved by the Secretary of Agriculture, Washington, D. C., September 9, 1932]

19151. Misbranding of Gonolin, Luesol, and Osmogen. U. S. v. 67 Boxes of Gonolin, et al. Decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 24657, 24658, 24659, 24834, 24835. I. S. Nos. 015745, 015746, 015747, 028283, 028284. S. Nos. 2965, 3171.)

Examination of drug products, known as Gonolin, Luesol, and Osmogen, respectively, showed that the labeling bore statements representing that the articles possessed curative and therapeutic properties which they did not possess.

On March 27 and June 11, 1930, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 78 boxes or packages of Gonolin, 14 boxes or packages of Luesol, and 3 boxes of Osmogen, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the articles had been shipped by the Lipoidal Laboratories (Inc.), from New York, N. Y., in various consignments on or about October 3, October 28, and December 24, 1929, and March 26 and May 19, 1930, and had been transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that Gonolin consisted essentially of a magnesium compound, iodide, phosphate, extracts of plant drugs, and water; Luesol consisted essentially of a mercury compound, iodide, sulphate, extracts of plant drugs, and water; and Osmogen consisted essentially of iodide, phosphate, extracts of plant drugs, and water.

It was alleged in the libels that the articles were misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the said articles, were false and fraudulent, since they contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Portion of Gonolin) "Gonolin Proto-Enzyme Treatment for Gonorrhea * * * In the treatment of Gonorrheal Infection;" (remainder of Gonolin) "Gonolin * * * Proto-Enzyme Treatment for Gonorrhea * * * We understand that at the G. U. Clinic, Ward 35, Bellevue Hospital, New York City, the best results were obtained from massive doses. * * * repeat the injection every second day until all manifestations of the disease, physically as well as serologically, have disappeared;" (portion of Luesol) "Indicated in Syphilis in all Stages;" (remainder of Luesol) "Indicated in Syphilis in all Stages. * * * continue treatment for another twenty-two injections or until all physical and seriological symptoms of the disease have disappeared;" (Osmogen) "An Isotonic Solution inducing Normal Sugar Osmosis in Diabetes. * * * In cases of emergency, like advancing gangrene."

The Lipoidal Laboratories (Inc.), New York, N. Y., entered an appearance and claim for the property. On February 25, 1932, decrees were entered adjudging the products misbranded and ordering that they be condemned, forfeited, and destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19152. Misbranding of Robert J. Pierce's special formula double strength tablets. U. S. v. 2 Dozen Boxes, et al., of Robert J. Pierce's Special Formula Double Strength Tablets. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 27066, 27102. I. S. Nos. 38812, 38815. S. Nos. 5272, 5339.)

Examination of the drug product herein described showed that the labeling bore statements representing that the article possessed curative and therapeutic properties which it did not possess.

On October 13 and October 22, 1931, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of eight dozen boxes or packages of Robert J. Pierce's special formula double strength tablets, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Robert J. Pierce (Inc.), from New York, N. Y., in part on or about September 16, 1931, and in part on or about October 8, 1931, and had been transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of iron sulphate, extracts of plant drugs including aloe, and volatile oils including pennyroyal oil.

It was alleged in the libels that the article was misbranded in that the following statements appearing in the labeling regarding the curative or therapeutic effect of the article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Circular) "A Specially Prepared Regulator, Scientifically Compounded for the Alleviation of Amenorrhoea or Suppressed Menses. In persistent amenorrhoea or menstrual irregularity caused by acute, fibrile, systematic disease or other trouble accompanied by nervousness, pallor and lassitude, this remedy is of unsurpassed value at all times, working on the organs through the blood and nervous system in such a way as to produce the desired results without the least inconvenience to the patient. * * * In the treatment of all disturbances of the menstrual functions the patient must observe the following: Directions For Special Treatment * * * Fourth—Active treatment should begin four or five days before the regular time for the reappearance of the menstrual flow, so as to assist nature to bring about the desired results at the normal time. * * * Sixth—Take one tablet three times daily, one half hour before meals, commencing four or five days before the regular period and continue until the desired result is obtained. Read these directions over two or three times so that they will be thoroughly impressed on your mind, as we can only give you instructions, but cannot force you to carry them out, and, therefore, you will have only yourself to blame if they are not as effective as they should be."

On January 25, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19153. Misbranding of Mag-Net-O balm. U. S. v. 11½ Dozen Tubes of Mag-Net-O Balm. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26838. I. S. No. 33763. S. No. 5019.)

Examination of Mag-Net-O balm from the shipment herein described having shown that the labeling bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Virginia.

On or about August 7, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11½ dozen tubes of Mag-Net-O balm remaining in the original unbroken packages at Lynchburg, Va., alleging that the article had been shipped by Magnet-O Balm (Inc.), from Baltimore, Md., on or about January 27, 1931, and had been transported from the State of Maryland into the State of Virginia, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of petrolatum, containing approximately 3.0 per cent of volatile oils including mustard oil, turpentine oil, and methyl salicylate, tar, and capsicum oleoresin.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Display carton) "Rheumatism * * * Arthritis * * * Neuralgia, Neuritis, Lumbago, * * * Rheumatic Pains, Neuritis, Neuralgia, Lumbago, Arthritis * * * Headaches;" (carton) "Rheumatic Pains, Neuritis, Neuralgia, Lumbago, Arthritis, * * * Headaches;" (tube label) "Rheumatic Pains, Neuritis, Neuralgia, Lumbago, Arthritis, * * * Headaches. * * * Chronic Cases;" (circular) "'Draws out pain . . . like a magnet!'" * * * This famous old European Remedy has been relieving pain for many years, and has prevented many hours of pain and suffering. * * * In all cases of muscular pains, congestion in the chest. * * * and many similar ailments, Magneto Balm offers an easy, pleasant road to prompt relief. Even stubborn, long-standing cases yield to the soothing, healing qualities of Magneto Balm, if persistently used. To Insure Results To get prompt results, apply either a hot-water bag, electric pad, or moist, steaming cloth over the spot to be treated, for five minutes, then massage with Magneto Balm. By thus opening the pores you help the Balm to penetrate instantly to the pain or ache. Directions for Use in the Treatment of Rheumatism, Lumbago, Neuritis, Sciatica, Arthritis * * * rub Magneto Balm well into aching parts. Neuralgia, Gout, Magneto Balm has relieved thousands from these painful ailments. Rub well over area where pain is most acute. * * * Headache * * * Sore Throat— * * * Stiff Neck— * * * Earache— * * * Flu usually begins with a cold. Prompt treatment of colds with Magneto Balm may therefore ward off 'Gripp,' 'Flu,' etc. * * * Magneto Balm Is Penetrating! It not only helps relieve pain, but at the same time helps to draw out any inflammation or swelling should any exist. How to Recognize Your Ailment. Neuritis is rheumatism affecting the nerves of the fingers, wrists, ankles, shoulders, toes, or anywhere in the body. Neuralgia may usually be recognized by: 1. Intense pains. 2. The pain is not steady, but seems to 'come and go.' 3. Neuralgic pains sometimes jump about from one part of the body to the other. Sciatica is the name for pains along the sciatic nerve or the inner part of the legs from the thighs to the ankles. Lumbago usually begins with excruciatingly severe pains in the back, followed by almost constant headaches just below the point where a belt would pass around the back of the body. When Blood Flows Freely Pain Stops Quickly. When the Blood is flowing freely through your veins, you are enjoying vital, vigorous health. But when some disorder occurs, there is often a damming or congestion of the blood, and trouble follows. An aching back. * * * almost any pain causes blood congestion; your blood is no longer flowing freely; poisons gather; the congested part pains, throbs and aches. To stop this pain you must start the blood flowing freely as soon as possible. How? By applying Magneto Balm. The application of this famous remedy brings almost instant relief. It helps nature by stimulating circulation; by rushing red, living blood to the suffering spot—thus relieving congestion and preventing further suffering."

On December 7, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19154. Misbranding of Gonolin and Osmogen. U. S. v. 15 Boxes of Gonolin, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 24912, 24913. I. S. Nos. 038826, 038828. S. No. 3247.)

Examination of drug products, known as Gonolin and Osmogen, respectively, having shown that the cartons bore statements representing that the articles possessed curative and therapeutic properties which they did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On July 16, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 15 boxes of Gonolin and 1 box of Osmogen, remaining in the original unbroken packages at Boston, Mass., alleging that the articles had been shipped by the Lipoidal Laboratories (Inc.), from New York, N. Y., the Osmogen on or about October 31, 1929, and the Gonolin on or about March 19, 1930 and May 9, 1930, and had been transported in interstate commerce into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that Gonolin consisted essentially of a magnesium compound, iodide, phosphate, extracts of plant drugs, and water; and Osmogen consisted essentially of iodide, phosphate, extracts of plant drugs, and water.

It was alleged in the libels that the articles were misbranded in that the statements, (Gonolin) "Gonolin Proto-Enzyme Treatment for Gonorrhea" and (Osmogen) "An Isotonic Solution inducing Normal Sugar Osmosis in Diabetes," appearing on the carton labels, regarding the curative or therapeutic effects of the articles, were false and fraudulent, since the articles contained no ingredient or combination of ingredients capable of producing the effects claimed.

On February 16, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19155. Misbranding of Fayro. U. S. v. 28 Packages of Fayro. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27190. I. S. No. 38818. S. No. 5351.)

The labeling of the drug product Fayro contained statements representing that the article when used in the bath would duplicate a hot springs bath in the home, and that it possessed curative and therapeutic properties. Examination showed that it would not duplicate such baths and that it did not possess the curative and therapeutic properties claimed. The packages contained less than the amount declared on the carton label.

On October 29, 1931, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 28 packages of Fayro, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Kells Co., from Newburgh, N. Y., on or about June 27, 1931, and had been transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of Epsom salt (87 per cent), rock salt (13 per cent) with a small proportion of an aromatic oil. The net weights of the two packages examined were 15.8 ounces and 16.4 ounces, respectively.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling were false and misleading: (Booklet) "Fayro—the Hot Springs Home Bath Treatment. * * * We studied the analysis of the various hot springs when preparing the formula for Fayro * * * When we first started to work to prepare the formula for Fayro we obtained analyses of the waters and the active ingredients of twenty-two of the most famous hot springs throughout the world. * * * We adopted a formula that exactly duplicates a hot springs bath. * * * it readily enters through the skin and mixes with the water in and around the sweat glands. * * * When you put Fayro into your bath water you have recreated a hot springs bath in your own bath tub. * * * Most of the fat of the body lies just under the surface of the skin. * * * Fayro enters and dissolves the fatty tissues. * * * produced in small quantities, Fayro would cost several times its retail price. The body has absorbed * * * Fayro * * * during the treatment;" (carton) "Net contents more than 20 ozs." Misbranding of the article was alleged for the further reason that the following statements appearing in the labeling of the said article, regarding its curative or therapeutic effects, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Is guaranteed to reduce weight two to four pounds in each bath;" (booklet) "One Fayro Bath each few days will prove very beneficial in rheumatic and gout cases. One Fayro Bath weekly is helpful as a general tonic to anyone. It enables you to keep your weight under control and helps you to stay fit and refreshed for the duties of social and business life. * * * Put the unopened bag of Fayro into the water. It will dissolve and while dissolving may be rubbed gently on chin, abdomen, legs or any part of the body you particularly wish to reduce. You will note nothing unusual for the first five to fifteen minutes. During this time Fayro is opening your pores and entering your skin to dissolve subsurface fat. * * * You will note that this per-

spiration is not merely water. It is oily and greasy. * * * Add some more hot water to the tub. Fayro works much more thoroughly and faster in hot water, so keep the temperature high. Stay in the bath from 20 to 30 minutes. * * * You have sweated away from 2 to 4 pounds of fats and poisons and tomorrow you will feel fine. * * * Rheumatism, Gout, Neuritis, Neuralgia. Because of the therapeutic effects of the hot water and the wonderful eliminative effects of Fayro it is highly recommended in all cases of rheumatism, gout, neuritis, and neuralgia. Follow the directions, being sure to drink at least three glasses of water while in the bath. * * * Fayro Reduces Weight Where Desired. After immersing your body in your Fayro Bath and before the bag of Fayro is entirely dissolved, firmly massage the parts you wish particularly to reduce with the cloth bag of Fayro. Excellent results are obtained in this manner."

On November 23, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19156. Misbranding of Duncan's Ozon. U. S. v. 19 Dozen Small and 6 Dozen Large Bottles of Duncan's Ozon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26476. I. S. No. 25751. S. No. 4760.)

Examination of a drug product, known as Duncan's Ozon, from the shipment herein described showed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for it on the labeling.

On June 8, 1931, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 19 dozen small and 6 dozen large bottles of Duncan's Ozon, remaining in the original unbroken packages at Nashville, Tenn., alleging that the article had been shipped by the Duncan Co. (Duncan Chemical Co.), from St. Louis, Mo., on or about April 30, 1931, and from Maplewood, Mo., on or about March 23, 1931, and had been transported from the State of Missouri into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of pine oil.

The labeling of the article bore the following curative and therapeutic claims: (Bottle label, both sizes) "Rheumatism, Backache, Kidney and Bladder Trouble take 10 to 20 drops on sugar * * * Indigestion, Heart Burn, Acid Stomach, 5 to 15 drops in water before meals. For sore mouth, Riggs Disease or Pyorrhea, take small quantity in mouth and rinse gums 3 to 5 minutes. * * * Itch * * * Ring Worms, Tetter; saturate thoroughly. * * * For Fistula;" (carton, both sizes) "Relieves Pains and Inflammation. An Invaluable Dressing for sores."

It was alleged in the libel that the article was misbranded in violation of section 8, paragraph 3, under drugs, in that the statements regarding the curative and therapeutic effects of the said article were false and misleading and deceived and misled the purchaser. (Paragraph 3 of section 8, under "Drugs" relates to drugs, the package or label of which shall bear or contain any statement, design, or device regarding the curative or therapeutic effects of such article, which is false and fraudulent.)

On or about January 19, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19157. Adulteration and misbranding of Phenol Sodique. U. S. v. 3 Dozen Bottles of Phenol Sodique. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26779. I. S. No. 8171. S. No. 4520.)

Examination of a drug product, known as Phenol Sodique, showed that the bottle and carton labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess. The article was also represented to be an antiseptic, whereas it was not.

On July 7, 1931, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three dozen bottles of Phenol Sodique at Memphis, Tenn., alleging that the article had been shipped by Hance Bros. & White (Inc.), from Philadelphia, Pa., in part on or about March 12, 1930, and in part on or about September 15, 1930, and had been transported from the State of Pennsylvania into the State of Tennessee, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of phenol, an alkali, and water. Bacteriological examination showed that the article, when used according to the directions in the labeling, was not antiseptic.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, "Antiseptic;" whereas the strength of the said article fell below such professed standard, in that it was not antiseptic.

Misbranding was alleged for the reason that the following statements appearing in the labeling were false and misleading when applied to an article that was not antiseptic: (Circular) "Phenol Sodique * * * A Nationally Used Antiseptic * * * in the treatment of all conditions where an antiseptic is indicated. * * * recommended as antiseptics. * * * two parts of Phenol Sodique to one part of water and used as an antiseptic wash * * * An antiseptic douche is an absolute necessity to every woman. Phenol Sodique will not injure or toughen the tender and sensitive tissues. * * * Phenol Sodique is used in the same proportions for smaller animals as human beings. * * * Poisonous antiseptic solutions should never be used;" (bottle label) "Phenol Sodique * * * As an antiseptic douche four tablespoonfuls to a quart of warm water;" (carton) "Phenol Sodique Antiseptic, * * * This Preparation is recommended as a prompt and reliable Antiseptic." Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Circular) "Phenol Sodique * * * in the majority of cases, prove remedial and prevent serious complications. * * * Carbuncles, Boils, Pimples and Eczema * * * This treatment will be found very efficacious and healing. In cases of eczema, pimples or eruptions on various parts of the body, * * * Chilblains * * * Nasal Hemorrhages * * * will be found of value in treatment of Leucorrhoea or Whites. * * * Piles or Hemorrhoids * * * Pyorrhea or Bleeding Gums * * * Sore Throat * * * Many contagious diseases are contracted through the mouth—Phenol Sodique, as a throat gargle or with an atomizer, three parts warm water to one part Phenol Sodique used every hour will give great relief. Many infected sore throats * * * can be prevented by gargling each evening, thus destroying the germs which accumulate during the day or during epidemics of contagious diseases. * * * Ulcers As an antiseptic wash to aid in cleansing ulcers apply * * * Is Also Indicated in the * * * Treatment of Canker * * * In the treatment of Catarrh;" (bottle label) "Phenol Sodique * * * Endorsed by dentists as a remedy in the treatment of Pyorrhea, Gingivitis and Trench Mouth. For affections of the mouth, throat, nose and all mucous surfaces, * * * Bleeding Gums, Pyorrhea * * * Sore Throat;" (carton) "Phenol Sodique * * * For * * * Carbuncles, Chilblains, * * * Itching Piles, * * * Tetters * * * Wounds. * * * in foetid discharges from the Ear; as an application in Eruptive Diseases; as an injection for Leucorrhoea; * * * adjunct in the treatment of skin diseases. * * * Used externally as a dressing for Wounds * * * Chilblains, * * * in foetid discharges from the Ear; as an application in Eruptive Diseases; as an injection for Leucorrhoea, * * * In Chronic Catarrh.

On February 4, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19158. Adulteration and misbranding of Dunlop pyorrhea paste. U. S. v. 57 Packages of Dunlop Pyorrhea Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27065. I. S. No. 36518. S. No. 5207.)

Examination of a drug product, known as Dunlop pyorrhea paste, from the shipment herein described having shown that the article contained less alcohol than labeled, that it was not antiseptic as represented, and that the labels bore unwarranted curative and therapeutic claims, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On October 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 57 packages of Dunlop pyorrhea paste at Chicago, Ill., alleging that the article had been shipped by the Emme Dental Specialty Co., from St. Paul, Minn., on or about July 14, 1931, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of boric acid, glycerin, alcohol (4.6 per cent by volume), and water, flavored with peppermint oil. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, "Antiseptic," whereas the strength of the said article fell below such professed standard, in that it was not antiseptic.

Misbranding was alleged for the reason that the statement on the carton and tube, "20% alcohol," and the statements in the circular, "Antiseptic * * * Being highly antiseptic, the Paste inhibits bacterial growth," were false and misleading. Misbranding was alleged for the further reason that the packages failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article, since the statement made was incorrect. Misbranding was further alleged in that the following statements regarding the curative or therapeutic effects of the article, appearing in the labeling, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Tube) "Pyorrhea Paste * * * For the Treatment of Pyorrhea and Mouth Diseases;" (carton) "Pyorrhea Paste * * * For the Treatment of Pyorrhea and Mouth Diseases * * * Patients Directions: Dunlop Pyorrhea Paste is not a mere dentifrice. In pyorrhea cases or trench-mouth, if the gums are too sore to brush, paste may be applied with the finger, rubbing lightly. Rub with up and down motion, working paste under the gum margin as well as massaging the gums. This paste may be used to great advantage in all cases of infection, applying direct to the wound. Read carefully Home Directions Inclosed. * * * Tissue Treatment For Pyorrhea and Mouth Diseases;" (circular) "Pyorrhea Paste * * * Dunlop Preparations Are Not An Experiment. They have been on the market continuously for over twenty years—all that time in the hands of dentists who use these preparations in daily practice and supplied their patients for home use. Without any advertising whatever, a nation-wide demand has been created which now requires an organized distributing agency to fill. We finally turned to the retail drug trade, which has such an organization already in the field. * * * Pyorrhea Increasing Notwithstanding the increase of dental attention given to the American people, we find a rapid growth in the number of pyorrhea cases, especially in young people. Thirty years ago, cases were generally confined to persons past middle age, and the then common practice was to extract all affected teeth, assuming that it was only a matter of a few years when they would all be lost anyway. This is still the practice of some dentists who, unfortunately have not kept well informed in modern methods. Faulty Dentistry Faulty dentistry, while altogether too common and a serious charge against the profession as being one of the chief contributory causes of pyorrhea increase, can scarcely be charged to the individual dentist, but rather to incorrect teachings and erroneous theories. This has led to an indifference and failure to recognize the important functions of mouth tissue and is perhaps one of the greatest mistakes that modern dentistry has made in its entire history as a separate science. Importance of Mouth Tissues. The mistakes of the past as regards faulty dentistry are so well recognized, and dental journals

comment thereon too freely to require special reference in a brief statement of this kind. However, it is fast becoming recognized that tissue treatment requires much study and more real application of time and skill than any form of mechanical dentistry, such as filling cavities of teeth, extractions, crown and bridge or plate work. On this account there are many in the profession who do not take as readily to this important branch of dental service as necessity would demand. Healthy Teeth No tooth in the human head can long remain sound and normal if the supporting tissue is allowed to become impoverished or diseased. This is so self-evident to even the casual observer that it is difficult to understand the professional indifference to the question of tissue treatment in the past. The Dunlop System of pyorrhea treatment is one of the few pioneers in this field and the Dunlop Pyorrhea Paste is the only preparation for this purpose which has been in use by the dentists and patient continuously during the last twenty years with ever-increasing sales. Survival of the Fittest. Our survival with ever-increasing popularity and a gradual recognition of our claims, is the greatest possible recommendation as regards to the correctness of our methods of treating pyorrhea and other mouth diseases.

* * * We claim that the use of Dunlop preparations by the patient or general public according to directions will give quick relief in all cases to gum and tissue diseases, and will greatly retard, if not entirely stop, the advancement of these infections. * * * Trench Mouth or Vincent's Disease Dunlop's Paste is invaluable for use in Trench Mouth or Vincent's Disease. For this trouble the gums and roof of the mouth should be gently massaged with Dunlop's Paste, using the fingers in massaging. Dunlop's Paste neutralizes and discharges all poisonous matter that accompanies this annoying disease. * * * For family use, the paste may be applied on the brush in the manner of the ordinary dentifrice."

On February 11, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19159. Misbranding of Blackhawk's compound liniment. U. S. v. 7 Dozen Bottles of Blackhawk's Compound Liniment. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27084. 1. S. No. 37915. S. No. 5305.)

Examination of Blackhawk's compound liniment from the shipment herein described having shown that the labeling bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On October 15, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of seven dozen bottles of Blackhawk's compound liniment, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped by the Blackhawk Remedy Co., from Baltimore, Md., in part on or about July 11, 1931, and in part on or about September 12, 1931, and had been transported from the State of Maryland into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of crude mineral oil, gasoline, capsicum, fatty oils, and volatile oils including methyl salicylate, mustard oil, eucalyptus oil, and turpentine oil.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) World's Greatest Pain Killer * * * greatest pain killer ever sold. * * * For Hay Fever, Asthma or Catarrh. A few drops in hand, * * * inhale fumes. For Rheumatism, Stiff Joints, * * * Lumbago, Headache, Earache, Toothache, Neuralgia, and that Pain in your Back. For All Pains and Aches For Paralysis or Drawn Cords It Is a Wonder Worker;" (bottle label) "For External Use Only For Headache, Earache, Toothache, Neuralgia, For Hay Fever, Asthma, Catarrh 10 drops in Steaming Hot Water. Inhale Fumes for Rheumatism, Lamé Back, Stiff Joints, * * * Lumbago, Swellings and all Pains;" (circular accompanying package) "Destroyers of Rheumatism. * * * a pain destroyer it's a wonder worker. * * * If you have a headache, rub a few drops across your forehead. * * * For hard of hearing or head noise, rub

a few drops around the inside and outside of the ear; * * * Sore or swelling tonsils or sore throat, apply oil over swelling or sore part * * * Where joints are swollen or are inflamed, don't rub the oil, just pat it on * * * It Penetrates to the seat of your aches and pains and dissolves them."

On December 8, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19160. Misbranding of Renolin. U. S. v. 34 Bottles of Renolin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27213. I. S. No. 38817. S. No. 5354.)

Examination of a drug product, known as Renolin, from the shipment herein described showed that the label represented that the article contained no injurious drugs, whereas it contained drugs that might be injurious. The labeling also bore statements representing that the article possessed curative and therapeutic properties which it did not possess.

On November 5, 1931, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 34 bottles of Renolin, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Renolin Co., from Bradford, N. H., on or about September 5, 1931, and had been transported from the State of New Hampshire into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Examination of a sample of the article by this department showed that it consisted of tablets containing 0.52 gram of cinchophen each.

It was alleged in the libel that the article was misbranded in that the statement, "Renolin * * * Contains no injurious * * * drugs," was false and misleading. Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "A Relief for Rheumatism;" (carton) "A Relief for Rheumatism;" (circular) "A Relief for Rheumatism * * * a relief for Rheumatism, Arthritis, Neuritis, Sciatica, * * * Lumbago * * * In acute and stubborn cases * * * Rheumatic Relief."

On December 7, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19161. Adulteration and misbranding of Dunlop pyorrhea paste. U. S. v. 43 Tubes of Dunlop Pyorrhea Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27218. I. S. No. 44029. S. No. 5384.)

Examination of samples of Dunlop pyorrhea paste from the shipment herein described showed that the labeling bore statements representing that the article possessed curative and therapeutic properties which it did not possess. The article was also represented to be antiseptic, whereas it was not. Furthermore, the label failed to bear the statement of the quantity or proportion of alcohol contained in the article.

On November 10, 1931, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 43 tubes of Dunlop pyorrhea paste at Chicago, Ill., alleging that the article had been shipped by the Dunlop Pyorrhea Machine Manufacturing Co., from St. Paul, Minn., on or about September 18, 1931, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of boric acid, glycerin, peppermint oil, and alcohol (3.4 per cent by weight). Bacteriological examination of the article showed that it was not antiseptic.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard under which it was sold, namely, (circular) "Antiseptic," since it was not antiseptic.

Misbranding was alleged for the reason that the following statements appearing in the labeling were false and misleading: (Carton and tube) "20% alcohol;" (circular) "Antiseptic * * * Being highly antiseptic, the Paste inhibits bacterial growth." Misbranding was alleged for the further reason that the labeling failed to bear statements of the quantity or proportion of alcohol contained in the article, since the statement made was incorrect. Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative or therapeutic properties of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Tube) "Pyorrhea Paste * * * For the treatment of pyorrhea and mouth diseases;" (carton) "Pyorrhea Paste * * * For the treatment of pyorrhea and mouth diseases * * * Patients Directions: Dunlop Pyorrhea Paste is not a mere dentifrice. In pyorrhea cases or trench-mouth, if the gums are too sore to brush, paste may be applied with the finger, rubbing lightly. Rub with up and down motion, working paste under the gum margin as well as massaging the gums. This paste may be used to great advantage in all cases of infection, applying direct to the wound. Read carefully Home Directions Inclosed * * * Tissue Treatment for Pyorrhea and Mouth Diseases;" (circular) "Pyorrhea Paste * * * Dunlop Preparations Are Not An Experiment. They have been on the market continuously for over twenty years—all that time in the hands of dentists who use these preparations in daily practice and supplied their patients for home use. Without any advertising whatever, a nation-wide demand has been created which now requires an organized distributing agency to fill. We finally turned to the retail drug trade, which has such an organization already in the field. * * * Pyorrhea Increasing Notwithstanding the increase of dental attention given to the American people, we find a rapid growth in the number of pyorrhea cases, especially in young people. Thirty years ago, cases were generally confined to persons past middle age, and the then common practice was to extract all affected teeth, assuming that it was only a matter of a few years when they would all be lost anyway. This is still the practice of some dentists who, unfortunately, have not kept well informed in modern methods. Faulty Dentistry. Faulty dentistry, while altogether too common and a serious charge against the profession as being one of the chief contributory causes of pyorrhea increase, can scarcely be charged to the individual dentist, but rather to incorrect teachings and erroneous theories. This has led to an indifference and failure to recognize the important functions of mouth tissue and is perhaps one of the greatest mistakes that modern dentistry has made in its entire history as a separate science. Importance Of Mouth Tissues. The mistakes of the past as regards faulty dentistry are so well recognized, and dental journals comment thereon too freely to require special reference in a brief statement of this kind. However, it is fast becoming recognized that tissue treatment requires much study and more real application of time and skill than any form of mechanical dentistry, such as filling cavities of teeth, extractions, crown and bridge or plate work. On this account there are many in the profession who do not take as readily to this important branch of dental service as necessity would demand. Healthy Teeth No tooth in the human head can long remain sound and normal if the supporting tissue is allowed to become impoverished or diseased. This is so self-evident to even the casual observer that it is difficult to understand the professional indifference to the question of tissue treatment in the past. The Dunlop System of pyorrhea treatment is one of the few pioneers in this field and the Dunlop Pyorrhea Paste is the only preparation for this purpose which has been in use by the dentists and patient continuously during the last twenty years with ever-increasing sales. Survival Of The Fittest Our survival with ever-increasing popularity and a gradual recognition of our claims, is the greatest possible recommendation as regards to the correctness of our methods of treating pyorrhea and other mouth diseases. * * * We claim that the use of Dunlop preparations by the patient or general public according to directions will give quick relief in all cases to gum and tissue diseases, and will greatly retard, if not entirely stop, the advancement of these infections. * * * Trench Mouth or Vincent's Disease. Dunlop's Paste is invaluable for use in Trench Mouth or Vincent's Disease. For this trouble the gums and roof of the mouth should be gently

massaged with Dunlop's Paste, using the fingers in massaging. Dunlop's Paste neutralizes and discharges all poisonous matter that accompanies this annoying disease. * * * For family use, the paste may be applied on the brush in the manner of the ordinary dentrifice."

On February 11, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19162. Misbranding of Walker's Old Indian health tonic. U. S. v. 6 7/12 Dozen Bottles of Walker's Old Indian Health Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26971. I. S. No. 26768. S. No. 4933.)

Examination of Walker's Old Indian health tonic from the shipment herein described having shown that the labeling bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Middle District of Alabama.

On September 15, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 6 and 7/12 dozen bottles of Walker's Old Indian health tonic at Montgomery, Ala., alleging that the article had been shipped by Walker Medicine Co., from Atlanta, Ga., on or about April 7, 1930, and had been transported from the State of Georgia into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of magnesium sulphate (26.5 grams per 100 milliliters), ferric chloride (1.2 grams per 100 milliliters), quinine sulphate (0.07 gram per 100 milliliters), and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the bottle label, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Walker's Old Indian Health Tonic, The Unfailing Remedy for Laziness and a Drowsy, Tired, Sleepy Feeling. For indigestion, Dizziness, Sick Headache, Numbness or Chills, Kidney or Bladder Troubles, * * * Piles, Jaundice, Dropsy. * * * Weakness, Tired Feeling, Stimulates and Purifies the Blood."

On December 17, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19163. Misbranding of Fayro. U. S. v. 204 Cartons, et al., of Fayro. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 27194, 27195, 27197, 27198, 27199, 27200, 27201. I. S. Nos. 29299, 42825. S. Nos. 5358, 5366.)

The labeling of the drug product Fayro contained statements representing that the article, when used in the bath, would duplicate a hot springs bath in the home, and that it possessed curative and therapeutic properties. Examination showed that it would not duplicate such baths, and that it did not possess the curative and therapeutic properties claimed.

On October 31, November 2, and November 10, 1931, the United States attorneys for the Southern District of New York, the Eastern District of New York, and the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the District Courts of the United States for the districts aforesaid libels praying seizure and condemnation of 228 cartons and 30 dozen packages of the said Fayro, remaining in the original unbroken packages in various lots at New York, N. Y., and Atlantic City, N. J., alleging that the article had been shipped by Fayro (Inc.) from Pittsburgh, Pa., in several consignments, on or about August 6, 1931, October 14, 17, and 20, 1931, and had been transported from the State of Pennsylvania into the States of New York and New Jersey, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of Epsom salt (88.0 per cent), and rock salt (11.4 per cent), with a small proportion of some volatile oil such as pine oil.

Misbranding of the article was alleged in the libels for the reason that the following statements appearing in the labeling were false and misleading: (Booklet) "We adopted a formula which, dissolved in hot water, duplicates a hot springs bath. * * * making it possible to recreate a hot springs bath instantly at home. * * * Fayro Hot Springs Bath Treatment." Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Booklet), "Reduce The Fayro Way 2 To 4 lbs. In a night * * * Reduce The Fayro Way * * * Reducing Bath Salts A Discussion of Weight Directions And Advice * * * Our bodies spend vast amounts of energy * * * carrying the burden of too much fat. * * * 'Beware of Fat.' * * * For many years physicians, the United States government bureau and medical boards of other governments have recommended hot springs bathing resorts for rest, tonic and recuperation. * * * We adopted a formula * * * This formula was given the trade name of Fayro. * * * its rapid action Directions For Taking Your Fayro Bath * * * Put the unopened bag of Fayro into the water. It will dissolve and while dissolving, may be rubbed gently on chin, abdomen, legs or any part of the body you particularly wish to reduce. * * * the first five to fifteen minutes. During this time Fayro is opening your pores and entering your skin to dissolve subsurface fat. Then you will notice perspiration * * * this perspiration is not merely water. It is oily and greasy. * * * Fayro works more thoroughly and faster in hot water, * * * Stay in the bath from twenty to thirty minutes. The longer you stay the more chance Fayro has to do its work. * * * allow continued perspiration * * * You have sweated away two to four pounds of body poisons * * * For weight reduction, two Fayro baths are indicated weekly. One Fayro Bath each few days will prove very beneficial in rheumatic and gout cases. * * * For those who are much overweight the action of Fayro can be hastened * * * And Now For The Evidence If your family doctor or a trusted friend recommended something that might lengthen your life, and better your health, would it not carry more conviction than generalities, platitudes and the clamorous claims of a stranger? You have read in the preceding pages what we claim for Fayro, in simple, plain understandable language. The results are guaranteed. Now we ask you to read what doctors who have prescribed Fayro say about it; what countless satisfied users think of its results. The few letters from which we quote are taken from many hundreds in our files. They will be found to contribute evidence which points the way toward truer beauty, health and the joy of life. Read What These Doctors Say Dr. T., Staten Island, N. Y., says: 'I have had very good results with Fayro Bath Salts. The poor patient has * * * lost twenty pounds. * * * another complete course * * * ought to put her in striking distance of fairly normal weight. * * *' State Homeopathic Hospital, N. Y.; ' * * * Your Fayro treatment for neuritis, rheumatism, etc., is being carried out very Successfully * * * The treatment * * * with practically no exception has produced excellent results, * * *' Signed Dr. S. Dr. N., Detroit, Mich.: ' * * * the Fayro Baths have done more than any other one thing for the nurse in my office. Miss M—— had a terrific neuritis. * * *' Dr. C., Marshall, Minn.: 'I have tried Fayro in a couple of cases I am attending now, with very good results. One patient lost 2 lbs., in two baths, and four pounds in one bath. I think it very good. * * *' Here is what Dr. G. H., writes from Chicago: 'Have tried your Fayro with very good results so far as I have gone. I would like a complete course for my mother, who has a severe neuritis and rheumatic condition.' When a physician orders Fayro for his mother surely it must be satisfactory. Dr. McG., Missouri: 'Am indeed happy to advise you that I have used Fayro Bath Salts and found them to do exactly what your literature claimed if not a little more. * * *' Dr. O. writes from Chicago: ' * * * seem to be getting very good results, especially in one case of neuritis. * * *' Dr. T. of Oklahoma, writes: 'I have given two treatments for rheumatism and the patient is improving rapidly. * * *' Dr. F., New York City: ' * * * send me Fayro Bath Salts for reducing on a clinical case. Results thus far excellent, and am very favorably impressed.' * * * 'While visiting in Louisiana, I noticed your advertisement of Fayro. That part of the State has so much malaria I

thought I would try your baths. * * * More Pep Than Ever * * * lost six pounds in one bath, and now has more 'pep' * * * 'They make me feel like new. I have more "pep" now than ever I had. I reduced six pounds after the last bath I took, * * *. 'I am one of the millions who uses Fayro for reducing with satisfactory results. * * * Fayro does not only do away with excessive fat, * * * After using Fayro, I am full of "pep" * * * [Tables headed "Ideal Weights For Women According To Age And Height" and "Ideal Weights For Men According To Age And Height"] Vast Improvement In Health But is the loss of weight held? Scores of letters testify to this * * * The first two baths removed two pounds each, which loss has been held—but it is not only the highly desirable loss in weight but the vast improvement in my health * * * Women not only bathe away their burden of fat, but also rejoice in a more robust health, * * * Fayro * * * I used it and lost three and one-half pounds. * * * Lost Seven Pounds * * * ' * * * having lost seven pounds, I explained all its merits * * * Hearing Improved Through Increased Elimination * * * I have been very deaf and can see a decided improvement in my hearing and my doctors concede it to be the result of increased elimination through the pores of the skin.' Do winter colds bother you, clog your system with impurities? Is it not easy to see that a healthy skin can resist attack and help build up immunity? * * * Unsurpassed * * * 'Fayro * * * I have used it * * * and think it's excellent for reducing, but for throwing off impurities in the body caused by winter colds * * *. letters from these files * * * If you will read every one perhaps you may find your condition duplicated. Perhaps, too, these will give you hope! Lost Ten Pounds With Three Boxes * * * I have used * * * Fayro, * * * three boxes, and have lost ten pounds. I am expecting to lose much more. * * * Lost Nine Pounds * * * I lost nine pounds * * * I am going to start back to work as soon as I lose a little more weight. I am so thankful that I am reducing so I can go out and look nice like other people. * * * Lost Fifteen Pounds Since Using * * * I lose fifteen pounds soon I start with Fayro Baths, * * * Lost Seven Pounds * * * I * * * used your Fayro last night and lost seven (7) pounds, * * * your reducing baths salts. I have seen them used with great success. * * * Lost Three And One-Half Pounds * * * Lost three and one-half pounds from one bath. It's Working Wonders. * * * I have received such gratifying results from the use of Fayro as a medium for reducing my weight, that I feel * * * it may be of much benefit to other people who are over weight as it has been to me. I reduced my weight fourteen pounds after taking five Fayro Baths. * * * Lost Twelve Pounds—Used Three Boxes. * * * I used Fayro, * * * I lost twelve pounds but only used three boxes. * * * Found It the Best Method of Controlling Weight. * * * 'Fayro.' I have found it one of the best methods for losing weight, also for keeping weight under control. * * * Losing Flesh * * * your reducing salts. I find wonderful success in the treatment. I'm still losing flesh * * * Loses Twenty-One Pounds. * * * I have used the three boxes of Fayro * * * I have lost twenty-one pounds since I started to take Fayro Baths. * * * Lost Six Pounds First Bath * * * Fayro * * * I lost six pounds the first bath, * * * I am using your bath salts (reducing) and find them so satisfactory * * * Eight Pounds from Three Baths * * * I lost eight pounds from three baths. * * * A bath of Fayro Will Check A Cold. We absolutely guarantee that a bath of Fayro taken according to directions will check a cold over night. * * * When you consider the absolute certainty of results with Fayro, you will never be without a package in the house to use at the first sign of a cold. Rheumatism, Gout, Neuritis, Neuralgia. Because of the wonderful therapeutic and eliminative effects of the Fayro hot water bath it is recommended in all cases of rheumatism, gout, neuritis, and neuralgia. * * * In cases of rheumatism, lumbago or neuritis, * * * You have read the evidence * * * if you feel that the weight of evidence gives promise of new health;" (portion of carton) "Fayro Reducing Bath Salts * * * Each treatment is guaranteed to reduce your weight from two to four pounds. * * * Fayro is * * * Invigorating;" (remainder of carton) "Fayro is guaranteed to reduce Weight two to four pounds in each bath. * * * Invigorating. * * * In solution Fayro causes osmotic action with body * * * fat content."

On December 8, 10, and 14, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19164. Misbranding of Klen Dent. U. S. v. 30 Bottles of Klen Dent. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 25902. I. S. No. 8490. S. No. 4150.)

Examination of samples of Klen Dent from the shipment herein described having shown that the labeling bore statements representing that the article possessed curvative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Texas.

On February 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 bottles of Klen Dent, remaining in the original unbroken packages at San Antonio, Tex. On April 2, 1931, the original libel was amended and on November 18, 1931, a second amended libel was filed. It was alleged in the libel as amended that the article had been shipped by the Klen Dent Co. (Inc.), from Eureka Springs, Ark., on or about November 14, 1930, and had been transported from the State of Arkansas into the State of Texas, and that it was misbranded in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium perborate, magnesium oxide, magnesium peroxide, soap, and small proportions of methyl salicylate and a fatty oil.

Misbranding of the article was alleged in the libel as amended for the reason that the following statements regarding the curative or therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "For * * * Gums * * * Stimulates the tissues of the mouth. Establishes a healthy mucous membrane. Stops bleeding gums. Prevents pyorrhea. * * * The powder is more than simply a tooth cleanser. It prevents decay * * * Excellent for the gums;" (bottle) "For the * * * Gums."

On December 11, 1931, the Klen Dent Co., Eureka Springs, Ark., intervenor, having admitted the material allegations of the libel and having withdrawn its original plea of intervention and agreed to contest the case no further, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19165. Misbranding of spearmint tooth paste. U. S. v. 69 Small and 8 Large Packages of Spearmint Tooth Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27382. I. S. No. 42845. S. No. 5540.)

Examination of samples of spearmint tooth paste from the shipment herein described having shown that the labeling bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On December 15, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 69 small and 8 large packages of spearmint tooth paste, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped by W. W. Wrigley Sales Co., from Atlantic City, N. J., on or about June 29, 1931, and had been transported from the State of New Jersey into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of calcium carbonate, soap, and glycerin, flavored with spearmint oil.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative or therapeutic effects, appearing in the circular accompanying the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Fermentation That enemy of your teeth and your smile * * * Anti-Fermentative Tooth Paste * * * Know how it acts to stop fermentation—a source of tooth destruction and diseased gums—and

how it brings pearl-like lustre to the teeth * * * Old Methods Fail. Teeth have been religiously brushed for years with the best known brands of dentifrices and various styles of tooth brushes. Yet teeth still decay. Pyorrhea alveolaris (Rigg's Disease) still causes gum tissues to become soft, spongy, and bleed easily and pus pockets to form. Teeth still loosen and fall out. Studies Fermentation. W. W. Wrigley began the study of fermentation years ago. As he delved deeper and deeper into the subject, he concentrated considerable thought upon the kinds of fermentation. This was an extremely important decision as later developments reveal. * * * Tartar—Cause Of Pyorrhea. Tartar, referred to in many different ways as mucin plaque, film, salivary calculus, dental calculus and seruma calculus, is that deposit on the teeth that feels so rough when you run your tongue over it. It is that substance that discolours teeth—mars their beauty. Tartar, above all other things, is a factor directly responsible for the occurrence of pyorrhea (Rigg's Disease). Rejects All Theories. Many theories have been advanced to combat tartar, but all have been found insufficient. Tartar still forms, teeth become discolored and decay, gums fall victim to pyorrhea (Rigg's Disease). Some claimed pepsin digests film, others diatase and still others, pancreatin. W. W. Wrigley has tested and rejected each as ineffective. None of these are directed at the source or cause of tartar. Cause Of Tartar. Lactic acid, acting upon the secretions of the salivary glands of the oral mucous membrane, produces tartar. By the union of the two substances, a coagulum of mucus is formed in which are deposited and entangled precipitated lime salts, mainly lactophosphates. * * * W. W. Wrigley Identifies The Source. W. W. Wrigley had learned that different substances and changed conditions result in different fermentation products. He applied these principles of fermentation to the human mouth. He identified the source of lactic acid in the mouth, as one kind of fermentation; of ammonia, as another kind of fermentation, and a gummy mass often found adhering to teeth and acting as a bed for bacteria, as perhaps, a third kind of fermentation. Innumerable foods are eaten in many mouths, composing different chemical constituents, under various conditions. Different fermentation products consequently, are formed. Fermentation The Origin Of Tartar. Many edibles are in perfectly prepared condition for fermentation. Particles of such foods, reposing in the crevices between the teeth and gums or adhering to the teeth, in a few hours, begin the process of fermentation. The process of fermentation can actually be observed. Liquid fermenting in a big vat foams, bubbles and tosses about as if agitated by great power. The sight of this makes it difficult to realize, that the same process goes on in the mouth on a smaller scale. Fermentation creates an odor. Fermentation, in the mouth, causes bad breath, which is so objectionable and now openly condemned. Fermentation, in the mouth, also produces one or more chemicals, etc., that are deposited in the mouth. It may be lactic acid; it may be ammonia, it may be a gummy mass or it may be all because of the many varieties of fermentable foods and changeable conditions of the mouth. Either, of the first two, combines with other constituents in the mouth to form tartar. The first, lactic acid, also causes tooth erosion. Erosion starts in the enamel and may invade the dentin. The latter provides a field, by combining with other substances and adhering to the teeth. In the field, bacteria grow. Lime salts collect. Lactic Acid, ammonia and other food debris gather. B. Acidophilus may localize and colonize there. Hardening occurs. Dreaded tartar and ugly teeth appear. Tartar causes gum infection. Your doctor will tell you gum infection is the source of many ailments, such as, nervous trouble, neuritis, rheumatism, heart disease, kidney disease, and other diseases. Stop Fermentation. It, therefore, becomes necessary to stop fermentation with its destructive influences; to bring polish and lustre to the teeth. W. W. Wrigley recognized a great opportunity. He set out with the collaboration of leading dentists, chemists, doctors, and scientists to discover a tooth paste of anti-fermentative character—a tooth paste that combats tartar and makes teeth gleam. Years of research have been rewarded. An anti-fermentative tooth paste has been discovered. * * * It is known as Spearmint Anti-Fermentative Tooth Paste and opens a new era in the care of teeth and the attack upon the causes of pyorrhea. Millions of satisfied people now use this advanced method to stop fermentation, with its destructive results, to bring pearl-like lustre to their teeth. Beautiful smiles; pretty teeth are being seen everywhere. Fermentation and the stomach. The effect of chemicals, deposited in the mouth as a result of the process of fermentation, have been clearly set forth only so far as the oral cavity is concerned.

Foreign substances, such as chemicals deposited from fermentation, may seriously affect the stomach and other organs. Calcareous matter may be observed, not only about the teeth, but in the urinary bladder, gall-bladder and in gouty joints. Ammonia, found in the breath and recognized long ago, was thought to have come from the lungs. The discovery of W. W. Wrigley therefore, that fermentation is a source of ammonia, in the mouth, is startling the world. Chemists Fail in Combating Tartar. Many chemists have directed their efforts to combating tartar, without attacking its source and have failed. They overlooked fermentation, which results in chemical products that combine with other substances in the mouth to form tartar and present so many serious problems in the mouth. Spearmint Anti-Fermentative Tooth Paste Stops Fermentation. Spearmint Anti-Fermentative Tooth Paste aims directly at the source. Spearmint Anti-Fermentative Tooth Paste is formulated to stop fermentation. * * * By penetrating and coming in contact with fermentable foods, Spearmint Anti-Fermentative Tooth Paste stops fermentation. In arresting the process of fermentation, it causes a discontinuance of a fermentation production or formation of a gummy binder. Without a gummy binder, food debris, salts and germs either do not gather or loosen and are washed away. Teeth appear with a brilliancy. It, also, prevents the production from fermentation of chemicals, that form tartar and may become absorbed, in the system, with injurious results. * * * Anti-Fermentative Tooth Paste * * * Acid mouth is dreaded by many people. Acid mouth appears to be a common condition resulting from fermentation. The unremitting researches of W. W. Wrigley made it possible for him to so add to the ingredients of Spearmint Anti-Fermentative Tooth Paste that it is offered as an antacid, as likewise, an anti-fermentative. * * * Correct Theory Experts agree Spearmint Anti-Fermentative Tooth Paste offers the right theory. Anyone can convince themselves in a few days by using Spearmint Anti-Fermentative Tooth Paste. Anyone desiring to test Spearmint Anti-Fermentative Tooth Paste will be given a free 12-day tube. * * * I have given many years of my life leading to the conclusion that fermentation is a cause of serious tooth and gum trouble and then to compound an anti-fermentative, antacid tooth paste to stop that fermentation. That I have met with such universally accepted success and now see the results of Spearmint Anti-Fermentative Tooth Paste in the radiant white teeth of its users everywhere is the greatest source of satisfaction and contentment in my whole life."

On January 5, 1932, no claimant having appeared for the property judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19166. Adulteration and misbranding of Pyradium. U. S. v. 13 Bottles of Pyradium. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27312. I. S. No. 44859. S. No. 5413.)

Examination of a drug product, known as Pyradium, from the shipment herein described showed that the labeling bore statements representing that the article possessed curative and therapeutic properties which it did not possess. It was further claimed for the article that it was antiseptic and contained appreciable amounts of radium, whereas it was not antiseptic and contained a negligible amount of radium.

On December 1, 1931, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 13 bottles of Pyradium, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the Radium Remedies Co. Minneapolis, Minn., on or about October 14, 1931, and had been transported from the State of Minnesota into the State of Wisconsin, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of zinc sulphate, sodium chloride, boric acid, radium (1.68 milligramms per milliliter), glycerin, and water, flavored with peppermint oil and colored green. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength and fell below such professed standard,

since it contained an inconsequential proportion of radium and was not antiseptic: (Bottle) "Radium * * * Preparation Pyradium Kill the Germs;" (circular) "Pyradium * * * To relieve Pyorrhea, you must destroy the germs * * * Pyradium is prepared especially to do these * * * things and it has proven beyond question most effective in accomplishing its purpose * * * Pyradium, an antiseptic * * * preparation * * * prepared with Radium * * * To destroy the insidious pyorrhea germs * * * is the purpose for which Pyradium was designed and intended. * * * The emanations given off from genuine Radium in Pyradium are stored up in the solution highly charging it, thereby making the other substances in Pyradium doubly powerful and effective due to what chemists call, 'Catalysis.' As electricity intensifies the magnetism of iron, as Pectin increases the jellying quality of fruit juices and sugar—so Radium electrifies and intensifies the antiseptic substances in the Pyradium solution. Pyradium Contains Radium * * * Pyradium * * * containing Radium, * * * The Wonders of Radium * * * Radium is * * * a powerful antiseptic, * * * allows mouth and gums time to absorb the Radium emanation * * * Pyradium * * * is an excellent antiseptic."

Misbranding was alleged for the reason that the statements above quoted were false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, appearing in the labeling, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Pyorrhea Preparation * * * Germicidal * * * Healing;" (bottle label) "Pyorrhea Preparation * * * Kill the Germs Save the Teeth * * * Use after meals, morning and evening, and upon retiring. * * * Soreness of gums having sufficiently diminished to permit, have dentist clean and scale tartar from teeth and irrigate Pyradium full strength into pus pockets. * * * As normal condition of gums is restored, the brushing of teeth and gums, once daily, with Pyradium full strength, should be sufficient to maintain healthy gums;" (coupon) "Guarantee This bottle of Pyradium is guaranteed to relieve pyorrhea, if used according to directions;" (circular) "Pyradium for Pyorrhea Radium Remedies Co. * * * Pyorrhea. Pyorrhea is a gum disorder which is very treacherous because of its almost painless progress and many times it is far advanced before persons are aware of any disturbances. How to tell Pyorrhea: When your gums bleed, even a little when you brush your teeth, so that the tooth brush shows pink, Pyorrhea is undoubtedly started. If some teeth are getting loose even if they don't hurt, Pyorrhea is surely to come. Try pressing hard against the gums with your fingers. If you see some white milky pus around the edge of the gums—that shows Pyorrhea. As Pyorrhea progresses, the formation of pus becomes worse and eventually may result in falling out of the teeth. A bad taste in the mouth is usually present. When Pyorrhea has reached the pus stage, absorption of this poisonous material into the system takes place, giving rise to rheumatism, stomach and intestinal disorders, anemia, eye and ear trouble, and various throat infections. To relieve Pyorrhea, you must first destroy the germs, then aid the tissues of mouth, gums and teeth back to health. Pyradium is prepared especially to do these two things and it has proven beyond question most effective in accomplishing its purpose. It is equally effective in treating the many other infections of the mouth and throat, some of which are almost as disagreeable as Pyorrhea. Pyradium * * * was especially formulated for the treatment of Pyorrhea, Trench Mouth, and other Oral Infections. To destroy the insidious pyorrhea germs and invigorate the sluggish gum tissue, is the purpose for which Pyradium was designed and intended. Its regular use should bring satisfaction, allay and prevent infection, soothe the tender, bleeding gums and assist nature in making the gums firm and normal. * * * The emanations given off from genuine Radium in Pyradium are stored up in the solution highly charging it, thereby making the other substances in Pyradium doubly powerful and effective due to what chemists call, 'Catalysis,' * * * The almost inconceivable power of an atom of Radium explains why Pyradium, a pyorrhea treatment containing Radium can be manufactured and sold at a price within the reach of everyone. * * * 'That is what the radio-active treatment will do * * * stimulate the glandular secretions, the chemical composition of the body, eliminate the danger of the accumulation of poisons and carry us on in health and vigor over many more years than

are now considered the normal span of life.' The discovery of radio activity has to an extent revolutionized the theory and practice of modern medicine, for it has shown the existence of an entirely new and very efficient element or source from which healing power may be obtained and which has proven itself to be a power accessory in the treatment of various diseases. Numerous elements and maladies have been treated successfully with Radium emanation. Radium has a distinct physiological effect upon the human system. Clinical and laboratory tests have absolutely proven this. There is a decided beneficial effect upon the circulation. The Radium rays carry energy into the depths of the body, vitalizing every organ and tending to make every cell in the body full of health and vitality. The Way of Pyradium. Due to the tremendous power of Radium rays and the further fact that sluggish gum tissue is a factor in pyorretic conditions—although Pyradium is an astringent and powerful antiseptic, the invigorating and stimulating effect of the Alpha Rays in Radium is believed to be the major reason for the effectiveness of Pyradium. Pyradium has brought relief to thousands of people who were sufferers of Pyorrhea and is preventing many more thousands from falling prey to gum diseases. It will do the same for you if you follow carefully the directions in this little book. How to Use Pyradium. * * * Dilute one-half teaspoon of Pyradium with one and one-half teaspoons water. Rinse mouth thoroughly with this solution by forcing between teeth and gum at least three minutes and even better results will be had when held longer. This allows mouth and gums to absorb the Radium emanation into the tissues and blood stream, and time for the other substances in the solution to penetrate. When treating Pyorrhea or other mouth infections, repeat the above use of Pyradium after morning and evening meals and at bedtime. As a preventative and to give Permanent Relief from Pyorrhea—brush teeth and gums, once daily, with Pyradium full strength. An easy and pleasant way to use is to take a few drops between lips and teeth, then brush, or apply direct to brush. This makes the gums firm. * * * Radium used as a daily Mouth Wash to promote healthy conditions of the mouth, teeth and gums, and as an effective treatment for Bad Breath, should be diluted with 10 parts water and used after meals at least twice daily. For inflamed and Bleeding Gums, Sore Mouth, Canker Sores, Cold Sores and other Infections, or for Injury to the Gums or Mouth, and after Extraction of Teeth, dilute from one part Pyradium to four parts water to full strength, as seems to suit particular conditions and use as above directed. * * * In the Pyradium treatment, patient should visit the dentist to have tartar scaled from the teeth, to have corrected any mechanical defects and to have dentist inject Pyradium full strength into pus pockets. * * * Our Iron Clad Guarantee: To those who have not previously used Pyradium, we guarantee that your money will be refunded (by us when purchased direct and by your druggist when purchased from him) if one bottle, used faithfully, according to directions, fails to give satisfaction in the treatment of Pyorrhea, Trench Mouth, bleeding gums, gum boils, or ulceration of the gums."

On January 25, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19167. Misbranding of J & J analgesic. U. S. v. 5 Dozen Packages of J & J Analgesic. Consent decree of condemnation and forfeiture. Product released under bond and subsequently destroyed. (F. & D. No. 26944. I. S. No. 38169. S. No. 5151.)

Examination of J & J analgesic from the shipments herein described having shown that the labeling bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of New York.

On September 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of five dozen packages of J & J analgesic, remaining in the original packages at Brooklyn, N. Y., consigned by Johnson & Johnson, New Brunswick, N. J., alleging that the article had been shipped from New Brunswick, N. J., in part on or about July 29, 1931, and in part on or about August 15, 1931, and had been transported from the State of New Jersey into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of volatile oils (11.8 per cent) including menthol, camphor, and methyl salicylate, boric acid (0.5 per cent), gummy material such as Irish moss (22.1 per cent), and water (65.6 per cent).

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Tube label) "For the relief of Headache, Neuralgia, Rheumatism, Lumbago, Laryngitis, Sore Throat, and other conditions requiring the use of a local anodyne. Directions— * * * If relief is not obtained in half an hour, repeat the application;" (carton) "For the relief of Headache, Neuralgia, Rheumatism, Lumbago, Laryngitis, Sore Throat, and other conditions requiring the use of a local anodyne. Directions— * * * If relief is not obtained in half an hour, repeat the application, after washing the part again with warm or tepid water;" (circular) "With the peculiar, anti-rheumatic potency of methyl salicylate. * * * being a thing the effectiveness of which can be more readily demonstrated than described, will demonstrate its value as a local anodyne by even the most casual test in certain types of headache, neuralgia, lumbago, sciatica, myalgia, rheumatism, sprains, and other conditions characterized by local nerve irritation. Directions For Use: Without attempting to explain how or why, it is a fact amply proven by experience that many headaches, particularly those commonly designated as 'sick headaches,' can be quickly relieved by * * * Neuralgia In neuralgia * * * should be well rubbed in, * * * along the course of the affected nerve to its point of origin. Rheumatism In rheumatism, sciatica and lumbago. In the muscular variety, particularly of rheumatism, * * * has proven highly efficacious. It * * * Sore Throat, Laryngitis In sore throat and in laryngitis, rub * * * into the front, sides and back of the neck."

On October 29, 1931, Johnson & Johnson, New Brunswick, N. J., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$100. The bond was conditioned that the article might be relabeled so that it comply with the Federal food and drugs act, otherwise that it be destroyed. The claimant having so elected, the product was destroyed under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19168. Misbranding of Chologestin. U. S. v. 29 Packages of Chologestin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27638. I. S. No. 38988. S. No. 5646.)

Examination of a drug product, known as Chologestin, from the shipment herein described having shown that the labeling bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On January 6, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 29 packages of Chologestin, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the F. H. Strong Co., from New York, N. Y., on or about November 18, 1931, and had been transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it contained in 100 milliliters: 1.3 grams of sodium salicylate, 2.2 grams of sodium bicarbonate, 2.3 grams of sodium sulphate, bilt salts, alcohol (13.7 per cent by volume), and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the article appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Chologestin (Digestive * * *) * * * for the treatment of Intestinal Dyspepsia and Gaseous Indigestion, with Fermentation or Putrefaction of the contents of the intestine, * * * and Abdominal Dis-

comfort. * * * to prevent and relieve the Intestinal Auto-Intoxication due to the absorption into the blood of the poisonous products of Intestinal Fermentation or Putrefaction. Chologestin stimulates the Inactive or Torpid Liver and thus aids in the relief of the condition ordinarily known as 'Biliousness.' * * * of value for the relief of inflammatory and catarrhal conditions of the gall bladder and bile tract, * * * It tends to prevent the formation of Gall Stone, and to hasten their passage when present. It thus aids in the prevention of Gall Stone Colic. Chologestin tends to prevent Migraine or 'Sick Headache' and the generally drowsy and depressed condition due to the absorption of the poisonous products of imperfect digestion from the intestinal canal. It is also of value in Chronic Rheumatic and Gouty conditions in which natural stimulation of the liver is required;" (carton) "Chologestin (Digestive * * *);" (circular) "Chologestin * * * Chologestin is a * * * combination of remedies exercising * * * antiseptic and digestive properties. It encourages and stimulates the action of the liver, increases the formation and flow of healthy bile, acts as an intestinal antiseptic and assists in the digestion of the various foods. * * * for the treatment of Intestinal Dyspepsia and Gaseous Indigestion, with Fermentation or Putrefaction of the contents of the intestine, resulting in * * * Abdominal Discomfort. Chologestin also tends to prevent and relieve the Intestinal Auto-Intoxication * * * It stimulates the Inactive or Torpid Liver * * * helps to overcome the constipated habit or irregular bowel action due to this cause. It thus tends to relieve the condition commonly known as 'Biliousness.' Chologestin * * * of value in relieving inflammatory and catarrhal conditions of the gall bladder and bile tract (cholecystitis, cholangitis, etc.) * * * It tends to prevent the formation of stones in the gall bladder and, by increasing the flow of bile and thinning it in consistency, to hasten the passage of stones when present. It thus aids in preventing attacks of Gall Stone Colic. Chologestin, by reason of its * * * antiseptic and digestive actions, aids in the prevention of Chronic Toxic Headaches, the so-called Migraine or 'Sick Headache' and the generally drowsy and depressed condition due to the absorption of the poisonous products of imperfect digestion from the intestinal canal. Chologestin is also of value, in the treatment of the more or less Chronic Rheumatic and Gouty Conditions in which a natural stimulation of the liver is required. * * * it can be safely taken by Diabetic patients. Chologestin * * * tends to regulate bowel action by stimulating the liver."

On February 8, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19169. Misbranding of Lambert's powders. U. S. v. 122 Small and 122 Large Boxes of Lambert's Powders. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27233. I. S. No. 44870. S. No. 5403.

The drug product Lambert's powders involved in the shipment herein described contained acetanilid, and the labels failed to bear a statement of the quantity or proportion of acetanilid contained in the article. Examination also showed that the carton and envelope labels bore unwarranted curative and therapeutic claims.

On November 11, 1931, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 122 small and 122 large boxes of Lambert's powders, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by Lambert's (Inc.), from Minneapolis, Minn., on or about April 18, 1931, and had been transported from the State of Minnesota into the State of Wisconsin, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of acetylsalicylic acid (6.8 grains per powder) and acetanilid (2.3 grains per powder).

It was alleged in the libel that the article was misbranded in that the labeling on the individual envelopes failed to bear a declaration of the quantity or proportion of acetanilid contained in the article. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the said article were false and fraudulent, since it con-

tained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "For the General Relief of Pain, Especially Rheumatism, Neuralgia, Grippe;" (envelope) "For Relief of Rheumatism."

On January 25, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19170. Misbranding of Ozo Mist. U. S. v. 41½ Dozen Bottles of Ozo Mist. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26103. I. S. No. 28148. S. No. 4404.)

Examination of samples of a drug product, known as Ozo Mist, from the shipment herein described showed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for it in the labeling. The labeling also bore an incorrect declaration of the quantity or proportion of alcohol contained in the article.

On March 28, 1931, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 41½ dozen bottles of Ozo Mist, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by the Adson Chemical Co. (Inc.), Buffalo, N. Y., on or about October 25, 1930, and had been transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of volatile oils including methyl salicylate, menthol, and eucalyptol (36 per cent by volume), alcohol (58 per cent by volume), and water.

It was alleged in the libel that the article was misbranded in that the package failed to bear a correct statement on the label of the quantity or proportion of alcohol contained therein, since the stated quantity was incorrect. Misbranding was alleged for the further reason that the following statements appearing on the label were false and fraudulent: (Bottle label) "For * * * Hay Fever, Catarrh, Asthma;" (carton label) "For * * * Hay Fever, Catarrh, Asthma;" (circular) "Only by checking the cold at the start, can you be safe against grippe, bronchitis, 'flu' or the many more serious illnesses that result from common colds. * * * is helpful in certain nasal and bronchial conditions, catarrh, Hay Fever and Asthma."

On November 16, 1931, the Adson Chemical Co. (Inc.), of New York, N. Y., claimant, having admitted the allegations of the libel and having consented to condemnation and forfeiture of the property, judgment was entered ordering that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned that it be relabeled and that it should not be disposed of in violation of the Federal food and drugs act or the laws of any State, Territory, or insular possession of the United States.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19171. Adulteration and misbranding of I-Heal-I-Tone and misbranding of Shapley's vegetable prescription, Shapley's liver tonic, I-Heal-I-Tone, Shapley's Derol, Unguentum Camphoratum, and Shapley's Tonup. U. S. v. 47 Packages of Shapley's Vegetable Prescription, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 26951, 26952, 26953, 26974, 26975. I. S. Nos. 25547, 25548, 25549, 35707, 35708. S. Nos. 5133, 5181.)

Examination of Shapley's vegetable prescription, Shapley's liver tonic, I-Heal-I-Tone, Shapley's Derol, Unguentum Camphoratum, and Shapley's Tonup showed that the labeling of the articles bore statements representing that they possessed curative and therapeutic properties which in fact they did not possess. Shapley's Tonup contained less alcohol than declared on the label, and the I-Heal-I-Tone was represented to be antiseptic, whereas it was not.

On September 11 and 17, 1931, the United States attorney for the Western District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 47 packages of Shapley's vegetable prescription (each package also containing a sample of Shapley's liver tonic contained in an envelope), 23 large and 22 small boxes of I-Heal-I-Tone, 48 packages of Shapley's Derol, 2¾ dozen jars of Unguentum Camphoratum, and 6 dozen bottles of Shapley's Tonup, remaining in the original unbroken packages at Kansas City,

Mo., alleging that the articles had been shipped by Shapley Drug Co. (Inc.), of Deland, Ill., from Decatur, Ill., in part on or about June 2, 1931, and in part on or about August 20, 1931, and had been transported from the State of Illinois into the State of Missouri, and charging adulteration and misbranding of the I-Heal-I-Tone, and misbranding of the remaining products in violation of the food and drugs act as amended.

Analysis by this department of a sample of I-Heal-I-Tone showed that it consisted essentially of borax, zinc sulphate, and a trace of thymol. Bacteriological examination showed that the product was not antiseptic. Analysis by this department of a sample of Shapley's vegetable prescription showed that it consisted essentially of extracts of plant drugs including valerian, alcohol (14.3 per cent by volume), sugar, and water. Examination by this department of a sample of Shapley's liver tonic showed that it consisted of pills containing phenolphthalein. Analysis by this department of a sample of Shapley's Derol showed that it consisted of mineral oil and volatile oils including menthol and eucalyptol. Analysis by this department of a sample of the Unguentum Camphoratum showed that it consisted essentially of volatile oils (4.1 per cent) including camphor and menthol incorporated in petrolatum. Analysis by this department of a sample of Shapley's Tonup showed that it consisted essentially of extracts of plant drugs including a laxative drug, small proportions of calcium, magnesium, and phosphorus compounds, water, and 5.3 per cent of alcohol.

Adulteration of the I-Heal-I-Tone was alleged for the reason that it was sold under the following standard of strength, "Antiseptic," whereas the strength of the said article fell below such professed standard, in that it was not antiseptic.

Misbranding of Shapley's Tonup was alleged for the reason that the statement appearing in the labeling, "Alcohol 10%," was false and misleading when applied to an article containing a less amount; and for the further reason that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article, since the declaration of alcohol was incorrect. Misbranding of all of the articles was alleged for the reason that the following statements regarding the curative or therapeutic effects were false and fraudulent, since the said articles contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Shapley's vegetable prescription, carton and bottle label) "Recommended as a Tonic, Regulator and Invigorator to the Female Organs. It is especially recommended for Painful and Suppressed Menses, Cramps, Sickness, Faint Spells, Nervousness, Flooding and the various Distressing Symptoms of Change of Life. Directions * * * When pains are severe it can be taken every hour. This remedy has also proven itself wonderfully efficient for the many peculiar and distressing symptoms of 'Change of Life.' When using for this purpose take it regularly 1 teaspoonful in $\frac{1}{2}$ glass of hot water 4 times a day;" (Shapley's liver tonic, sample envelope inclosed in package with Shapley's vegetable prescription) "Liver Tonic * * * We believe this to be the very best conceivable prescription for a Liver Tonic and System Cleanser;" (Shapley's Derol, carton and bottle) "Useful in the treatment of Sinus trouble * * * Catarrh, Tonsillitis, and various Nose & Throat Troubles. For Sinus, Nose or Head Trouble, use with Atomizer or Medicine Dropper. For Throat or Tonsils, use with Atomizer 3 or 4 times daily;" (I-Heal-I-Tone, carton) "Use I-Heal-I-Tone as follows Catarrh * * * Wounds, Boils, or Abscesses * * * Sore Throat, Tonsillitis, Quinsy, Etc: Gargle Hot Strong Solution frequently. * * * I-Heal-I-Tone will be found very efficient in all Skin Troubles, Eczema * * * Etc. * * * Leucorrhoea or Whites, Vaginitis * * * and all Vaginal discharges. Two teaspoonfuls to a pint of warm water, injected twice a day until discharge ceases;" (Unguentum Camphoratum, carton) "Unguentum Camphoratum * * * A valuable remedy for catarrh, hay fever, * * * earache, * * * headache, * * * Spanish influenza, croup, etc.;" (bottle) "Unguentum Camphoratum * * * A valuable remedy for Catarrh, Hay Fever, * * * Headache, Earache * * * Spanish Influenza, Croup, etc.;" (Shapley's Tonup, carton) "Tonup * * * Recommended as a * * * Regulator and Invigorator to the Human System. * * * have a Tonic and Cleansing Action upon the Blood, Liver, Bowels, etc. Therefore Tonup is Recommended for * * * Loss of Strength, Fatigue, Malarial Conditions, General Debility, Liver and Bowel Disorders. Valuable in Anemia, Exhaustion from Overwork, Nervousness and Weakness. An Excellent Reconstructive Tonic;" (Shapley's Tonup, bottle) "Tonup * * * Recommended as a Regulator and Invigorator to the Human System. * * *

have a Tonic and Cleansing Action upon the Blood, Liver, Bowels, etc. Therefore Tonup is Recommended for * * * Loss of Strength, Fatigue, Malarial Conditions, General Debility, Liver and Bowel Disorders. Valuable in Anemia, Exhaustion from Overwork, Nervousness and Weakness. An Excellent Reconstructive Tonic."

On December 14, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19172. Misbranding of Nalther tablets. U. S. v. 20 Packages of Nalther Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27204. I. S. No. 38816. S. No. 5355.)

Examination of a drug product known as Nalther tablets from the shipment herein described having shown that the labeling represented that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On October 31, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 20 packages of Nalther tablets, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the M. A. Winter Co., from Washington, D. C., on or about September 17, 1931, and had been transported from the District of Columbia into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of capsicum, spearmint, and laxative plant drugs including rhubarb, senna, and aloë.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton B, very small) "Taken As A Laxative, * * * will effect * * * natural evacuation, * * * known * * * as 'Nature's Health Restorer,'" (carton A) "Nature's Health Restorer * * * Taken as a Laxative, * * * will effect * * * natural evacuation, * * * in the correction of disorders arising from impure blood, torpid liver and impaired digestion," (circular) "A remedy for various Diseases or Symptoms Arising from a Disordered Condition of the Digestive Organs * * * acts simultaneously Upon the Stomach, Intestines, Liver and Kidneys * * * Nature's Health Restorer as follows: 'Na' from Natures, 'Lth' from Health, and 'Er' from Restorer. * * * the most effective for a disordered condition of the digestive system. * * * First and Foremost these tablets are a direct treatment for many of the diseases and disorders caused by a disordered condition of the digestive system, or any organ or organs thereof. * * * the remedies used act directly upon each of the principal digestive organs, such as the stomach, liver, large intestines, small intestines, etc. Thus these tablets are more effective and far-reaching than a single medicine which acts only upon one organ. This is especially true because, when one organ is out of order, others are apt to be sympathetically affected, just as a cinder in one eye inflames and causes the other to water. Therefore, a remedy which not only acts directly upon a disordered organ but also stimulates and strengthens its associated organs must approach the height of effectiveness. An Auxiliary: * * * For instance, in cases of Malaria or La Grippe where quinine is commonly given as a specific, a purgative is a valuable auxiliary in their treatment. A Preventive: Another use is that as a preventive of disease, because if taken regularly these tablets tend to keep the stomach, intestines, liver, and kidneys in a healthy condition which when disordered are the source of so many ills. On the other hand, when these organs are performing their functions properly there is a strong assurance of health. * * * A Tonic: These tablets possess an excellent effect with a tendency toward strengthening and toning up the entire system and also toward relieving feelings of weakness, depression and debility. * * * As A Restorative: These tablets may be used effectively. That is to say they are a valuable aid in relieving the distressing effects caused by over-indulgence in alcoholic liquors, food, etc., and also by exertion resulting in languor and fatigue, such as railroad travel,

overwork, etc. First Aid To The Sick: There are a great many instances in which it is beneficial to take Nalther Tablets as a sort of 'first aid to the sick,' * * * are empirically a direct or auxiliary remedy for diseases and symptoms listed below * * * Bladder Troubles, Catarrhal Affections, Children's Diseases, Cholera * * * Debility, Diarrhoea, Dizziness, Dysentery, Dyspepsia, * * * Female Complaints, * * * Impure Blood, Indigestion, Intestinal Disorders, Jaundice, Kidney Disorders, La Grippe, Languor, Liver Complaints, * * * Malaria, Migraine, Nausea, * * * Piles, Rheumatism, Skin Affections, Stomach Troubles, Tired Feeling. Directions For Use In the treatment of the foregoing diseases or symptoms the directions below should be followed but with due consideration to the constitution of the person taking the tablets and to the severity of the disorder. * * * Ingredients And Their Uses * * * Rheum (Rhubarb) * * * Specific Uses: Stomach and bowel disorders, indigestion, dyspepsia, * * * diarrhoea, chronic dysentery, catarrh of the small intestines, and of the biliary ducts with jaundice. * * * Aloe Purificata * * * Specific Uses: Disordered digestive system, indigestion, torpor of the large intestines, constipation or habitual costiveness, jaundice, bilious state, coated tongue * * * suppressed menstruation. * * * Capsicum * * * Specific Uses: * * * dyspepsia, dyspepsia of chronic alcoholism with attendant trembling and insomnia * * * Podophyllum * * * Specific Uses: * * * bilious fevers and congestions of the liver * * * Glycorrhiza * * * Specific Uses: Bronchial affections and pulmonic catarrhs and in irritations of the mucous membranes of the bowels and urinary passages. * * * Mentha Viridis * * * Specific uses: Nausea, spasmodic pains of the stomach and bowels * * * Senna * * * Specific Uses: * * * stomach troubles."

On February 15, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19173. Adulteration and misbranding of Flaxo. U. S. v. 30 Small and 35 Large Jars of Flaxo. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27279. I. S. No. 41410. S. No. 5434.)

Examination of a drug product, known as Flaxo, from the shipments herein described showed that the carton and bottle labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties that it did not possess. The article was also represented to be antiseptic, whereas it was not.

On November 25, 1931, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 small and 35 large jars of Flaxo, remaining in the original and unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the Flaxo Co., from Saginaw, Mich., in part on or about May 26, 1930, and in part on or about February 17, 1931, and had been transported from the State of Michigan into the State of Wisconsin, and charging adulteration and misbranding in violation of the food and drugs act as amended. Attached to and made a part of the said libel were two exhibits, "A" and "B," which contained quotations from the labeling of the product.

Analysis of a sample of the article by this department showed that it consisted essentially of a fatty oil such as linseed oil, rosin, and petrolatum. Bacteriological examination of the article showed that it was not antiseptic.

It was alleged in the libel that the article was adulterated in that the statements contained in exhibit "A" represented that the said article had antiseptic properties, whereas the strength of said article fell below the standard thus professed in that it was not antiseptic. The statements contained in exhibit "A" were as follows: (Circular) "Flaxo is a highly concentrated antiseptic combination of hydro-carbons. * * * Flaxo fortifies you against infection in cases of Cuts from Rusty Nails, Tin and other infectious metals. * * * It is * * * a * * * combination of hydro-carbons that set up a chemical reaction when applied to inflammation. * * * It also shows a strong affinity for the poisonous matter and pus which is rapidly absorbed into the Flaxo. * * * An immediate application of Flaxo is a protection against the infections that often prove serious, painful and fatal. * * * Ingrowing Nails * * * Remember Flaxo Fortifies You Against The Danger Of Infection In Cases Of This Kind. * * * In treating Festering and Inflamed Corns * * * The danger of Infection * * * is entirely over-

come. Flaxo absorbs the poisonous matter very rapidly. * * * Our employees frequently receive cuts and injuries that often result in serious infections, * * * We always give them first aid with an application of Flaxo. * * * I have secured excellent results with it in cases of * * * Infections." The libel further alleged that certain statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed. Apparently, through inadvertence, these false and fraudulent statements were alleged in the libel to be contained in exhibit "A." They were in fact contained in exhibit "B" and were as follows: (Carton) "Antiphlogistic in action and is Used Successfully in Cases of Sore Throat, Tonsillitis, Cold in the Chest, Bruises, Sprains, Lumbago, Etc. Wherever there is a Formation of Pus there is danger of Blood Poisoning. Absorption is an excellent treatment. Flaxo absorbs the Pus, reduces inflammation, and does it rapidly. * * * A * * * Treatment for Boils, Carbuncles, Infections, Blood Poisoning, * * * Wounds, Skin Diseases, * * * Use Flaxo And Don't Let Blood Poisoning Develop. Directions * * * For Infections, Blood Poisoning, Boils, Carbuncles or Any Pus Condition, * * * Cuts, Etc.;" (bottle label) "A * * * treatment for Boils, Carbuncles, Infections, Blood Poisoning, * * * Wounds, Skin Diseases * * * Directions * * * For the absorption of pus and inflammation, * * * To heal up a sore, cut;" (circular) "Antiphlogestic * * * Used very successfully in cases of Boils, Carbuncles, Infections, Blood Poisoning, Wounds, * * * Skin Diseases, the Itch, * * * Sore Feet, Inflamed Bunions, Sore and Festering Corns, * * * Caked or Gathered Breasts, Felons * * * Lumbago, Backache, etc. Sore Throat, Inflammatory and Painful Cold in the Chest, Pneumonia, etc. * * * It draws vigorously * * * as it purifies and heals. * * * Flaxo fortifies you against infection in cases of Cuts from Rusty Nails, Tin and other infectious metals. * * * it also shows a strong affinity for the poisonous matter and pus which is rapidly absorbed into the Flaxo * * * To secure desired results the following directions must be closely followed: For the absorption of Pus as in the case of Boils, Carbuncles, Infections And Blood Poisoning, make a poultice, spreading Flaxo * * * Be sure to use plenty of Flaxo as directed so as to have a sufficient quantity to do the work. * * * Bandage well to insure close contact of the Flaxo to the sore so that the absorption of the * * * poisonous matter will be complete. * * * Flaxo cannot work unless it is bound firmly and closely to the sore, it draws out the soreness!—and Quickly Relieves the Pain * * * a Most Effective Remedy for Boils, Carbuncles, Infections, Blood Poison and Kindred Inflammatory Conditions. * * * Lumbago, Sore Throat, Etc. * * * For * * * Salt Rheum, * * * and Cuts * * * Skin Diseases, * * * often respond much quicker when the Flaxo is applied in warm liquid form. * * * Blood Poisoning And Infections In case of highly inflamed and swollen infection or blood poisoning, a good incision is sometimes very important and beneficial. For cases of this kind Flaxo should be used * * * If there is no drainage and no incision has been made this will hold good for twenty-four hours; but if drainage has started, and if the discharge of the pus is very great, it may be necessary to change the poultice * * * Carbuncles, Boils For a large throbbing boil or carbuncle, that usually is very painful, Flaxo should be applied * * * Quicker results are obtained by having an incision made into the boil or carbuncle, followed by successive applications of Flaxo. We have experienced the elimination of a very large carbuncle with this treatment in forty-eight hours, the Flaxo having stimulated considerable drainage immediately after the incision was made and brought out the core in forty-eight hours. There are several kinds of boils and some are extremely stubborn in their development. In some cases the swelling will start and it will be a matter of only a day or two when they will come to a head and begin to discharge pus. Others form a big red lump and it may take several weeks before they will come to a head and drainage takes place. In all forms of boils, it is essential to stimulate the drainage and make sure that the boil drains thoroughly and discharges the core. This not only breaks up the boil itself but is very beneficial to the entire system. We have known of cases where the boils did not drain properly and would recede only to break out in another spot and continue to do this as much as eighteen or twenty times in succession, making the patient extremely uncomfortable as well as running down his physical condition. Flaxo is of considerable assistance in the treatment of boils, especially after the drainage has started, in view of the fact that it stimulates the drainage, draws out the poisonous matter and

reduces the inflammation, so that the congestion is eliminated. When Flaxo is used the repetition of the boils happens in very rare cases. Do not expect to treat a coming boil with Flaxo and have it come to a head within a few hours, because in cases of the previously named deeper or stubborn boil it may take weeks to come to a head. If it is painful and keeps you from your work and you are anxious to eliminate it as quickly as possible, have the boil lanced at once, making a good big incision right through the center of it and apply a thick poultice of Flaxo. You should have drainage inside of three hours, without a doubt and the boil should be practically entirely eliminated within forty-eight hours. On the other hand, if you do not wish to have the boil lanced, be patient, use Flaxo poultices liberally and stick to it, you will find that the boil will come to a head in a reasonably short time, and you will be well satisfied with the results, although it is slower than the process of eliminating the boil in its early stage by lancing without waiting for it to come to a head. Painful Cold In The Chest, Pneumonia, Etc. Make a poultice by spreading Flaxo fully one-eighth inch thick on a clean cloth large enough to cover the entire inflammation. Apply directly to the chest and make sure the Flaxo is in close contact with the skin. Remarkable results have been obtained in this manner in a few hours. This application is good for twelve to twenty-four hours, according to the severeness of the case. Tonsillitis Flaxo has been used successfully in the treatment of tonsillitis * * * Lumbago Flaxo has been used successfully in reducing inflammation and congestion in severe cases of lumbago, * * * Piles * * * Flaxo is unsurpassed * * * bleeding piles remarkable results have been obtained. * * * a remedy * * * in cases of piles. * * * For Sore Feet Flaxo Is Wonderful For Sore Feet. * * * it is * * * healing. * * * it has strong antiphlogestic properties and quickly draws out the soreness. * * * Flaxo will soften * * * Inflamed Callouses and restore a natural, healthy condition of the foot. * * * Sore Bunions are treated successfully. * * * When Flaxo is well rubbed on bunions, they soon lose their soreness and inflammation. * * * in severe cases, * * * Flaxo applied directly to the Bunion * * * is sometimes more effective and draws out the soreness promptly. * * * Ingrowing Nails—Flaxo will * * * relieve the inflammation * * * After trimming the nail a Flaxo dressing will bring prompt relief, reduce the inflammation and relieve the Pain. Remember Flaxo Fortifies You Against The Danger Of Infection In Cases Of This Kind * * * Flaxo * * * a remedy of unusual merit. Sore and Inflamed Bunions respond to a Flaxo dressing in less than twelve hours, Flaxo relieving the Pain and Reducing the Inflammation in a prompt and thorough manner. Ingrowing Nails after trimming, dressed with Flaxo immediately show a receding of the inflammation. * * * In treating Festering and Inflamed Corns I find prompt Relief in Flaxo. The danger of Infection and the Development of Blood Poisoning is entirely overcome. Flaxo absorbs the poisonous matter very rapidly and reduces the inflammation in a few hours. * * * Flaxo * * * has never failed me on some of my most serious cases of infection and blood poisoning. * * * I have never seen a remedy so effective and rapid in its action, * * * our employees frequently receive cuts and injuries that often result in serious infections, * * * give * * * first aid with an application of Flaxo. It has never failed us in reducing the inflammation and healing up the injury very rapidly. * * * I * * * contracted blood-poisoning. * * * I used * * * Flaxo * * * and I think it saved my arm * * * I developed a very large carbuncle on * * * another large carbuncle developed * * * Someone suggested that I use Flaxo which I did with wonderful results * * * Flaxo is the most wonderful remedy * * * Flaxo * * * in cases of Boils, Carbuncles, Infections, Cuts and Injuries of many kinds * * * Flaxo * * * reduces pain and inflammation rapidly. * * * It lets the injured sleep and quickly puts them back on the job. * * * Flaxo is unsurpassed. It precludes the painful swelling and inflammation on the little injuries that the children meet with in their everyday play. It helps the housewife overcome the pain and irritation caused from * * * pricks from pins, slivers in fingers, * * * cuts, etc., commonly experienced in household work. An immediate application of Flaxo is a protection against the infections that often prove serious, painful and fatal."

On January 25, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19174. Misbranding of Mag-Net-O balm. U. S. v. 46½ Dozen Tubes of Mag-Net-O Balm. Default decree of condemnation and destruction.
(F. & D. No. 26803. I. S. No. 31189. S. No. 4944.)

Examination of a drug product, known as Mag-Net-O balm, from the shipment herein described having shown that the labeling bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Columbia.

On July 27, 1931, the United States attorney filed in the Supreme Court of the District of Columbia, holding a District Court, a libel praying seizure and condemnation of 46½ dozen tubes of Mag-Net-O balm, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped by Magneto Balm (Inc.), from Baltimore, Md., on or about March 7, 1931, and had been transported from the State of Maryland into the District of Columbia, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of petrolatum containing approximately 5.9 per cent of volatile oils, including mustard oil, turpentine oil, and methyl salicylate, tar and capsicum oleoresin.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effect claimed: (Display carton) "Rheumatism, * * * Arthritis, * * * Neuralgia, Neuritis, Lumbago, * * * Rheumatic Pains, Neuritis, Neuralgia, Lumbago, Arthritis, * * * Headache;" (carton) "Rheumatic Pains, Neuritis, Neuralgia, Lumbago, Arthritis, * * * Headaches;" (tube label) "Rheumatic Pains, Neuritis, Neuralgia, Lumbago, Arthritis, * * * Headaches, * * * Chronic Cases;" (circular) "'Draws out pain . . . like a magnet!'" * * * This famous old European Remedy has been relieving pain for many years, and has prevented many hours of pain and suffering. * * * In all cases of muscular pains, congestion in the chest, * * * any of many similar ailments. Magneto Balm offers an easy, pleasant road to prompt relief. Even stubborn, long-standing cases yield to the soothing, healing qualities of Magneto Balm, if persistently used. To Insure Results To get prompt results, apply either a hot-water bag, electric pad, or moist, steaming cloth over the spot to be treated, for five minutes, then massage with Magneto Balm. By thus opening the pores, you help the Balm to penetrate instantly to the pain or ache. Directions For Use in the Treatment of Rheumatism, Lumbago, Neuritis, Sciatica, Arthritis * * * rub Magneto Balm well into aching parts. Neuralgia, Gout, Magneto Balm has relieved thousands from these painful ailments. Rub well over area where pain is most acute. * * * Headache * * * Sore Throat— * * * Stiff Neck— * * * Earache— * * * Flu usually begins with a cold. Prompt treatment of colds with Magneto Balm may therefore ward off 'Gripp,' 'Flu,' etc. * * * Magneto Balm is Penetrating. It not only helps relieve pain, but at the same time helps to draw out any inflammation or swelling, should any exist. How to Recognize Your Ailment. Neuritis is rheumatism affecting the nerves of the fingers, wrists, ankles, shoulders, toes, or anywhere in the body. Neuralgia may usually be recognized by: 1. Intense pains. 2. The pain is not steady, but seems to 'come and go.' 3. Neuralgic pains sometimes jump about from one part of the body to the other. Sciatica is the name for pains along the sciatic nerve or the inner part of the legs from the thighs to the ankles. Lumbago usually begins with excruciatingly severe pains in the back, followed by almost constant backaches just below the point where a belt would pass around the back of the body. When Blood Flows Freely Pains Stops Quickly. When the blood is flowing freely through your veins, you are enjoying vital, vigorous health. But when some disorder occurs, there is often a damming or congestion of the blood, and trouble follows. Aching back * * * almost any pain causes blood congestion; your blood is no longer flowing freely; poisons gather; the congested part pains, throbs and aches. To stop this pain you must start the blood flowing freely as soon as possible. How? By applying Magneto Balm. The application of this famous remedy brings almost instant relief. It helps nature by stimulating circulation; by rushing red, living blood to the suffering spot—thus relieving congestion and preventing further suffering."

On February 5, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19175. Misbranding of Fayro. U. S. v. 22 Gross Packages of Fayro. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27055. I. S. No. 38376. S. No. 5266.)

The labeling of the drug product Fayro contained statements representing that the article, when used in the bath, would duplicate a hot springs bath in the home, and that it possessed curative and therapeutic properties. Examination showed that it would not duplicate such baths and that it did not possess the curative and therapeutic properties claimed.

On October 10, 1931, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 22 gross packages of Fayro, remaining in the original unbroken packages at Newburgh, N. Y., alleging that the article had been shipped by the Atlantic City Sales Co. (Inc.), from Atlantic City, N. J., on or about October 16, 1930, and had been transported from the State of New Jersey into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of Epsom salt (86.5 per cent), table salt (13.2 per cent), and a trace of pine oil.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling were false and misleading: (Booklet) "Fayro—the Hot Springs Home Bath Treatment * * * We studied the analysis of the various hot springs when preparing the formula for Fayro * * * When we first started to work to prepare the formula for Fayro we obtained analyses of the waters and the active ingredients of twenty-two of the most famous hot springs throughout the world. * * * We adopted a formula that exactly duplicates a hot springs bath. * * * It readily enters through the skin and mixes with the water in and around the sweat glands. * * * When you put Fayro into your bath water you have recreated a hot springs bath in your own bath tub. * * * Most of the fat of the body lies just under the surface of the skin. * * * Fayro enters and dissolves the fatty tissues. * * * produced in small quantities, Fayro would cost several times its retail price. The body has absorbed * * * Fayro * * * during the treatment." It was further alleged in the libel that the product was misbranded in that the following statements appearing in the booklet were false and misleading, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the article knowingly or in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently that the article was, in whole or in part, composed of or contained ingredients or medicinal agents effective in the treatment of the diseases and conditions named therein: (Carton) "Is guaranteed to reduce weight two to four pounds in each bath;" (booklet) "One Fayro Bath each few days will prove very beneficial in rheumatic and gout cases. One Fayro Bath weekly is helpful as a general tonic to anyone. It enables you to keep your weight under control and helps you to stay fit and refreshed for the duties of social and business life. * * * Put the unopened bag of Fayro into the water. It will dissolve and while dissolving may be rubbed gently on chin, abdomen, legs or any part of the body you particularly wish to reduce. You will note nothing unusual for the first five to fifteen minutes. During this time Fayro is opening your pores and entering your skin to dissolve subsurface fat * * * You will note that this perspiration is not merely water. It is oily and greasy. * * * add some more hot water to the tub. Fayro works much more thoroughly and faster in hot water, so keep the temperature high. Stay in the bath from 20 to 30 minutes. * * * You have sweated away 2 to 4 pounds of fat and poisons and tomorrow you will feel fine. * * * Rheumatism, Gout, Neuritis, Neuralgia because of the therapeutic effects of the hot water and the wonderful eliminative effects of Fayro it is highly recommended in all cases of rheumatism, gout, neuritis, and neuralgia. Follow the directions, being sure to drink at least three glasses of water while in the bath. * * * Fayro Reduces Weight Where Desired. After immersing your

body in your Fayro Bath and before the Bag of Fayro is entirely dissolved, firmly massage the parts you wish particularly to reduce with the cloth bag of Fayro. Excellent results are obtained in this manner."

On December 8, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19176. Adulteration and misbranding of Old Dr. Wesson's Angel of Peace and Solace of Life and misbranding of the Children's Comfort. U. S. v. 29 Bottles of Old Dr. Wesson's Angel of Peace and Solace of Life, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 27369, 27370. I. S. Nos. 38978, 38979. S. No. 5460.)

Examination of the drug products herein described showed that the labeling bore statements representing that the articles possessed curative and therapeutic properties which in fact they did not possess. Analysis of Old Dr. Wesson's Angel of Peace and Solace of Life showed that it contained less chloroform than declared on the bottle and carton labels.

On December 14, 1931, the United States attorney for the District of Rhode Island, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 29 bottles of Old Dr. Wesson's Angel of Peace and Solace of Life and 28 bottles of the Children's Comfort, remaining in the original unbroken packages at Providence, R. I., alleging that the articles had been shipped by Brewer & Co. (Inc.), from Worcester, Mass., in various consignments on or about July 10, July 21, and October 2, 1931, and had been transported from the State of Massachusetts into the State of Rhode Island, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the Angel of Peace and Solace of Life consisted essentially of alcohol (87.5 per cent by volume), chloroform (4.24 minims per fluidounce), ether, capsicum oleoresin, and volatile oils including pine oil, cajuput oil, menthol, and camphor, colored red; and that the Children's Comfort consisted essentially of a syrup containing a small proportion of extracts of plant drugs, flavored with anise oil.

Adulteration of Old Dr. Wesson's Angel of Peace and Solace of Life was alleged in the libel, in that the strength of the article fell below the professed standard or quality under which it was sold, namely: (Carton) "Each fluidounce contains: Chloroform 9.6 M;" (bottle) "Each fluidounce contains Chloroform 9.6 Min."

Misbranding of Old Dr. Wesson's Angel of Peace and Solace of Life was alleged for the reason that the above-quoted statements were false and misleading, since the article contained a smaller amount of chloroform than stated. Misbranding of Old Dr. Wesson's Angel of Peace and Solace of Life was alleged for the further reason that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) Useful in the treatment of Muscular Rheumatism, Swollen Limbs, * * * Wounds and Earache * * * Use internally for Cramps, Dysentery, Diarrhoea, Coughs;" (carton) "Used in the Treatment of Aches And Pains. May Be Used In The Treatment Of The Following Ailments: Rheumatism, * * * Earache, Dysentery, * * * Felons, * * * Lamé Joints, * * * Catarrh, * * * Toothache, * * * Wounds, * * * Weak Back, all Swelling of the Limbs;" (circular) "For Cramps Or Pains In Children. Put 1 teaspoonful of the Angel of Peace in two-thirds of a cup of cold water well sweetened. Give 2 or 3 teaspoonfuls of this at once. Then a teaspoonful every few minutes after that, and relief will soon be afforded. Cramps And Pains In The Stomach, Pleurisy, Cholera Morbus, Diarrhoea, &c. * * * If relief is not afforded in a few moments, then repeat the dose. Bathe the stomach freely with the Angel of Peace at the same time; if desired wring out flannels in hot water, wet well with the Angel of Peace, and apply them as hot as can be borne. Sometimes the Angel of Peace with Castor Oil in equal proportions will be found beneficial. * * * Coughs, * * * Sore Throat And Whooping Cough. Take 2 teaspoonfuls of Old Dr. Wesson's Angel of Peace, in half a tumbler of cold water, and add 2 teaspoonfuls of granulated or white powdered sugar. Take one or two teaspoonfuls as a treatment for your cough, * * * or sore throat.

Whooping Cough * * * Bronchial Cough. This is caused by the inflammation of the bronchial membrane. * * * Croup * * * is an acute inflammation of the windpipe and air passages leading to the lungs. It generally attacks children between the ages of one and six years. It is greatly to be dreaded, because of the extreme rapidity with which it is liable to fill the air passages with a false lining and suffocate the patient. Instantly, as soon as the first croupy sound is heard, raise the child in a sitting position in your arms, and give the Angel Of Peace, mixed as directed for a Cough Syrup, every five minutes. For Dysentery And Cramps. * * * Neuralgia, Ague In The Face, Etc. * * * the Angel of Peace is a great help where there is pain or soreness or inflammation. * * * Malaria. A half teaspoonful of Angel of Peace in a half-cup of cold water, must be taken morning and evening. Put one teaspoonful of the Angel of Peace in a cup and pour on not quite a quarter cup of boiling water. Put the hands on each side of the cup and inhale the steam two or three times each day."

Misbranding of the Children's Comfort was alleged for the reason that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "For Dysentery [similar statement in a foreign language];" (carton) "Is a Soothing preparation for all pains during the teething period and a sure preventive from Convulsions. It will check Vomiting, Dysentery, * * * and Colics, and correct the Acidity of the stomach. Its cordial and healthy action gives vigor to the child and comfort to the mother. * * * It soothes all pains. It relieves instantly;" (circular) " * * * which have the double effect of checking * * * Colics * * * causes a combination of all the necessary ingredients to give immediate relief. * * * It relieves Quickly * * * During the teething period it is especially necessary to subdue inflammation, soften the gums and allay the usual pains. If the child suffers from Vomiting, Diarrhoea, or Dysentery, the Children's Comfort will regulate the bowels, and give a healthy tone to the digestive organs." (Similar statements are made in a foreign language.)

On January 4, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19177. Misbranding of Rider's household liniment. U. S. v. 6 Dozen Bottles of Rider's Household Liniment, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 26955, 27075. I. S. Nos. 17687, 36800. S. Nos. 5161, 5290.)

Examination of a drug product, known as Rider's household liniment, having shown that the labelings bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the Northern District of Texas the interstate shipments herein described, involving quantities of the product at Dallas, Tex.

On September 11 and October 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 156 bottles of Rider's household liniment, remaining in the original unbroken packages at Dallas, Tex., consigned by Dr. Haggard Rider, alleging that the article had been shipped from San Diego, Calif., in part on or about July 28, 1931, and in part on or about August 6, 1931, and had been transported from the State of California into the State of Texas, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the article by this department showed that it consisted essentially of a light mineral oil such as gasoline containing a trace of a vesicating agent such as capsicum extract and a trace of a volatile vegetable oil such as sassafras oil.

It was alleged in the libels that the article was misbranded in that the following statements regarding the curative and therapeutic effect of the article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "External Use Only Recommended by us for * * * Muscular Rheumatism, Bronchial Cough * * * Acute Pleurisy, Lumbago;" (portion of cartons) "Recommended by us in the Treatment of Muscular Rheumatism, Lumbago, Acute Pleurisy, * * * Bronchial Cough, * * * In Muscular Rheumatism

massage the flesh firmly but gently with the fingers. * * * Recommended by us in the Treatment of Neuralgia, Sciatica, Neuralgia, Headache;" (remainder of cartons) "Recommended by us in the Treatment of Neuralgia, Sciatica, Neuralgia, Headache, Toothache * * * Recommended by us in the Treatment of Muscular Rheumatism, Lumbago, Acute Pleurisy * * * Bronchial Cough * * * In Muscular Rheumatism massage the flesh firmly but gently with the fingers. * * * Recommended by us in the treatment of Neuralgia, Sciatica, Neuralgia, Headache;" (portion of circulars) "I have a baby and have always used it on her for * * * stomach trouble and have never had to have a doctor in my house. She will soon be three years old. * * * Use it for all pains * * * and is great for sick stomach, as one or two applications will relieve it;" (remainder of circulars) "It Tends to Relieve Inflammation and to Allay Pain. * * * The * * * Healing Liniment * * * Don't Neglect a Cold—an Ache or a Pain as a cold is the forerunner of sickness and human ailments. * * * Please send me one quart of Eucalyptus Oil Compound at once, as have 'Flu' in my family now. * * * I use it for everything. * * * I have a baby and have always used it on her for colds and stomach trouble * * * Use it for all pains * * * and is great for sick stomach, as one or two applications will relieve it. * * * Have tried it on a sore kidney (loose) and have had wonderful results. * * * It is the only thing we find to kill pain."

On February 29, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19178. Misbranding of Hulbert's Phospho-Nux. U. S. v. 11 Dozen Boxes, et al. of Hulbert's Phospho-Nux. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 26099, 26457. I. S. Nos. 15792, 28593. S. Nos. 4361, 4701.)

Examination of a drug product, known as Hulbert's Phospho-Nux, from the shipments herein described having shown that the article contained but a negligible quantity of phosphorus and that the labels bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On March 24 and May 29, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 19½ dozen boxes of Hulbert's Phospho-Nux, remaining in the original unbroken packages at Boston, Mass. On May 26, 1931, the United States attorney filed an amendment to the libel of March 24. It was alleged in the libels that the article had been shipped by N. E. Hulbert & Co., from New York, N. Y., in part on or about January 31, 1931, and in part on or about February 6, 1931, and had been transported in interstate commerce from the State of New York into the State of Massachusetts, and that it was misbranded in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs including nux vomica, phosphorus (0.011 gram per 100 milliliters), chloroform, alcohol, and water.

Misbranding of the article was alleged in the libels for the reason that the statement on the carton and bottle label, "Phospho-Nux," was false and misleading, since the quantity of phosphorus contained in the article did not warrant the use of the word "Phospho." Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Cerebro-Spinal Tonic Acting upon the nutrition of the cerebral and spinal centres, restoring nerve tone and correcting disturbances of the nerve functions;" (carton) "A Prompt and Powerful Cerebro-Spinal Tonic and Restorative * * * Brain and Nerve Tonic;" (circular) "A Prompt and Powerful Cerebro-Spinal Tonic * * * Acting upon the nutrition of the cerebral and spinal centers, restoring nerve tone and correcting disturbances of the nerve functions. * * * will be found of incalculable service in that class of cases, the symptoms of which depend upon brain and nerve exhaustion and impaired nerve functions. Through its action upon the nerve centers it also influences markedly the digestive processes and nutrition, relieving Vertigo and Indigestion. Its use is indicated in any ab-

normal condition dependent upon or unfavorably influenced by a lack of brain power or nerve tone. Some suggestions for its use are Diabetes, Chorea, Neurasthenia, * * * Paralysis, Arterio Sclerosis, the early stages of Tubercular Diseases, General Debility, Sleeplessness dependent upon anaemia or nerve exhaustion, Nervous and Sick Headache. It will be found particularly serviceable in the exhaustion and nervous sequelae of Malaria. * * * [Testimonials] * * * Paralysis * * * I have found it most efficacious in cases of flagging nerve energy, persistent neuralgias, and partial paralysis. * * * Nerve Disorders. * * * Diabetes. * * * Neurasthenia."

On February 9, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19179. Adulteration and misbranding of medicated stock salt. U. S. v. 1,125 Pounds of Medicated Stock Salt. Default decree of destruction entered. (F. & D. No. 27086. I. S. No. 18752. S. No. 5244.)

Examination of a drug product, known as medicated stock salt, from the shipment herein described having shown that the article contained no potassium iodide, and but negligible amounts of yeast, cod-liver oil, and Epsom salts, which were represented in the labeling to be ingredients of the article, the Secretary of Agriculture reported the matter to the United States attorney for the District of Minnesota.

On October 23, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1,125 pounds of medicated stock salt, remaining in the original unbroken packages at Argyle, Minn., alleging that the article had been shipped by the National Feeders Corporation, from Tiffin, Ohio, on or about June 13, 1931, and had been transported from the State of Ohio into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium chloride (88.0 per cent), oily material (0.5 per cent), sulphate, plant material including wheat bran and traces of quassia and fenugreek; potassium iodide and yeast were not present.

It was alleged in the libel that the article was misbranded in that the statements on the label, "Yeastolized * * * contains yeast * * * cod liver oil * * * potassium iodide * * * Epsom salts," were false and misbranded (misleading) in that the article contained no potassium iodide and in that the quantity of yeast, cod-liver oil, and Epsom salts were so slight as to be negligible.

It was further alleged in the libel that the article was adulterated. The adulteration charge recommended by this department was that the article fell below the professed standard under which it was sold, since it was sold under the following standard, "Contains Potassium Iodide," whereas it contained no potassium iodide.

On January 11, 1932, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19180. Adulteration and misbranding of Pyorrhine tooth powder No. 2 and Pyorrhine tooth powder No. 1. U. S. v. 3 Dozen Packages of Pyorrhine Tooth Powder No. 2 and 3 Dozen Packages of Pyorrhine Tooth Powder No. 1. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 26965, 26966. I. S. Nos. 22314, 22315. S. No. 5158.)

Examination of Pyorrhine tooth powder No. 2 and Pyorrhine tooth powder No. 1 showed that the labeling represented that the articles possessed antiseptic properties, whereas they were not antiseptic. The labelings also bore unwarranted curative and therapeutic claims.

On September 15, 1931, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three dozen packages of Pyorrhine tooth powder No. 2, and three dozen packages of Pyorrhine tooth powder No. 1, remaining in

the original unbroken packages at Seattle, Wash., alleging that the articles had been shipped by the Pyorrhine Chemical Co., from Oakland, Calif., on or about July 29, 1931, and had been transported from the State of California into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that Pyorrhine tooth powder No. 1 consisted essentially of compounds of aluminum, calcium, and magnesium, carbonate, phosphate, and sulphate, and sugar, flavored with methyl salicylate; and Pyorrhine tooth powder No. 2 consisted essentially of compounds of aluminum, calcium, and magnesium, carbonate, phosphate, and sulphate, soap, and sugar, flavored with methyl salicylate. Bacteriological examinations of the articles showed that they were not antiseptic.

It was alleged in the libel that the articles were adulterated in that they fell below the professed standard of strength under which they were sold, namely: (Cartons) "Antiseptic;" and (cans) "Antiseptic * * * Germicide."

Misbranding of the articles was alleged for the reason that the following statements appearing in the labeling were false and misleading: (Cartons, both products) "Antiseptic;" (Pyorrhine tooth powder No. 2, can) "Antiseptic * * * with elements to destroy bacteria * * * for the best effect of germicide;" (Pyorrhine tooth powder No. 1, can) "Antiseptic * * * Germicide." Misbranding was alleged for the further reason that the following statements appearing in the labeling regarding the curative or therapeutic effect of the articles, were false and fraudulent, since they contained no ingredients or combinations of ingredients capable of producing the effect claimed: (Pyorrhine tooth powder No. 2, carton) "Prophylactic;" (can) "Prophylactic to Heal and Harden Soft Bleeding and Receding Gums Prevent Pyorrhea and Tooth Decay * * * Is a prophylactic of highest possible quality * * * with elements to * * * heal and harden tender bleeding gums. Effective Aid in Preventing Pyorrhea;" (Pyorrhine tooth powder No. 1, carton) "For Tender Gums * * * Prophylactic;" (can) "Prophylactic."

On January 13, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19181. Misbranding of Analgesol. U. S. v. 32 Tubes of Analgesol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27657. I. S. No. 38998. S. No. 5693.)

Examination of a drug product, known as Analgesol, from the shipment herein described having shown that the labeling bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On January 13, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 32 tubes of Analgesol, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Emde Pharmacal Co., from Rahway, N. J., on or about December 4, 1931, and had been transported from the State of New Jersey into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of volatile oils, such as tar and turpentine oils, incorporated in an ointment base such as hydrous wool fat.

It was alleged in the libel that the article was misbranded in that the statements, "Whooping Cough, Laryngitis, Pharyngitis, Tonsillitis, Irritant Cough, Asthma, Bronchitis, * * * Hay Fever, * * * Myalgia, Angina * * * Spasmodic Croup * * * Relaxative Sedative," appearing on the carton label, regarding the curative or therapeutic effect of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On February 8, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19182. Adulteration of ether. U. S. v. Ninety ½-Pound Cans of Ether. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27077. I. S. No. 22324. S. No. 5311.)

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On October 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of ninety ½-pound cans of ether, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Mallinckrodt Chemical Works, from St. Louis, Mo., on or about July 22, 1931, and had been transported from the State of Missouri into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Ether for Anesthesia."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia, in that it contained peroxide.

On March 16, 1932, the Mallinckrodt Chemical Co., St. Louis, Mo., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act or the laws of any State, Territory, district, or insular possession, and further conditioned that it be relabeled to the satisfaction of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19183. Misbranding of Johnson's American anodyne liniment. U. S. v. 76 Bottles of Johnson's American Anodyne Liniment. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27224. I. S. No. 29298. S. No. 5383.)

Examination of Johnson's American anodyne liniment from the shipments herein described having shown that the labeling bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On November 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 76 bottles of Johnson's American anodyne liniment, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Chemicals and Drugs (Inc.), I. S. Johnson division, from Baltimore, Md., in part on or about March 16, 1931, and in part on or about June 25, 1931, and had been transported from the State of Maryland into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of alcohol (14.2 per cent by volume), a fatty oil such as olive oil (7.7 per cent), volatile oils, including turpentine oil and camphor (7.5 per cent by volume), ammonia (0.17 gram per 100 milliliters), ether, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "For the Relief of Coughs * * * Grippy Cold, Colic, Asthmatic Distress, Bronchial Cold, Nasal Catarrh, Cholera Morbus, Cramps * * * Common Sore Throat * * * Chilblains * * * Muscular Rheumatism."

On February 24, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19184. Adulteration and misbranding of ether. U. S. v. Fifty 1-Pound and Two Hundred ¼-pound Cans of Ether, et al. Product released under bond to be relabeled. (F. & D. Nos. 25557, 25593. I. S. Nos. 613, 684, 687. S. Nos. 3854, 3856, 3886.)

Samples of ether from the shipments herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On December 27 and 30, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of three hundred and twenty-five 1-pound and two hundred ¼-pound cans of ether, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by Merck & Co. (Inc.), from St. Louis, Mo., in various consignments, on or about July 9, July 15, September 16, October 9, October 15, and November 7, 1930, and had been transported from the State of Missouri into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled, "Ether for Anesthesia U.S.P." and a portion was labeled, "Ether U.S.P."

It was alleged in the libels that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated on the label.

Misbranding was alleged for the reason that the statement on the label, "Ether for Anesthesia U. S. P.," was false and misleading.

On March 31, 1931, Merck & Co. (Inc.), Rahway, N. J., filed answers admitting the material allegations of the libels and praying release of the product under bond, conditioned that it should not be disposed of contrary to the provisions of the Federal food and drugs act, and that it be relabeled to show its true quality and the purposes for which it might be used legally. On October 28, 1931, the claimant having filed good and sufficient cost and release bonds, it was ordered by the court that the product be released to the claimant to be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19185. Misbranding of Teethina. U. S. v. 11½ Dozen Boxes of Teethina. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26883. I. S. No. 28874. S. No. 5069.)

Examination of a drug product, known as Teethina, showed that the labeling bore statements representing that the article possessed curative and therapeutic properties which it did not possess. It was further claimed for the article that it was harmless and could be administered freely to babies, whereas it contained drugs that might be harmful.

On or about August 17, 1931, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11½ dozen boxes of the said Teethina, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the C. J. Moffett Medicine Co., from Columbus, Ga., on or about July 11, 1931, and had been transported from the State of Georgia into the State of Maryland, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of bismuth subnitrate, calcium carbonate, sodium citrate, mercurous chloride, and sugar, flavored with ground cinnamon.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling were false and misleading: (Circular) "It is * * * harmless * * * 'Teethina,' * * * is guaranteed to contain no harmful drugs of any description—it is so safe and harmless, * * * that mothers use it freely with their babies from infancy until they get in their teens." Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effect claimed: (Box label) "Teething Powders Teethina * * * Direc-

tions: * * * Diarrhea—Children under 2 yrs., 1 powder every 4 hrs. until bowels are checked, * * * If child is over 2 yrs. give 1 powder every 3 hrs. until same result is obtained. Cholera Morbus—One powder every 2 hours until vomiting and purging ceases or child becomes quiet. Colic—Infants and children subject to frequent attacks, one powder two or three times a week, until the tendency to this painful trouble is overcome. When children are Fretting, Tossing and Wakeful at night from Worms or other irritations, give a powder every few nights until child rests quietly;” (circular) “For Diarrhea Children under two (2) years of age, one (1) powder should be given every four hours until the bowels are checked, * * * If the child is over two (2) years old, give one (1) powder every three hours until the same result is obtained. For Cholera Morbus Give one powder every two (2) hours, until the vomiting and purging ceases or the child becomes quiet and rests. For Colic To infants and children subject to frequent attacks of Colic, give a powder two or three times a week, until the tendency to this painful trouble has been overcome. Worms and Other Irritations When children are fretting, tossing and wakeful at night from a tendency to Worms or other irritations, give a powder every few nights until the child rests quietly. * * * Mother’s baby is mother’s prize possession, and she wants to be assured that whatever she gives baby will not only bring relief, * * *.”

On or about February 25, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal

ARTHUR M. HYDE, *Secretary of Agriculture.*

19186. Misbranding of Jones vegetable herb tablets. U. S. v. 50 Large Packages of Jones Vegetable Herb Tablets. Default decree of condemnation and destruction. (F. & D. No. 26999. I. S. No. 16511. S. No. 5189.)

Examination of a drug product, known as Jones vegetable herb tablets, showed that the labeling bore statements representing that the article possessed curative and therapeutic properties which it did not possess.

On September 29, 1931, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a District Court, a libel praying seizure and condemnation of 50 packages each containing 3 small boxes of Jones vegetable herb tablets at Washington, D. C., alleging that the article was in possession of the Christiani Drug Co., Washington, D. C., and was being offered for sale in the District of Columbia and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of sugar-coated tablets containing extracts of plant materials, including aloe and podophyllum.

Misbranding of the article was alleged in the libel for the reason that the following statements regarding the curative or therapeutic effect of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Large carton) “For the Blood, Kidneys and Liver * * * Purify the blood and keep the liver active, the two most important factors in the making and keeping of perfect health. * * * Recommended for Rheumatism * * * Liver Complaint, Chills, Fever, Neuralgia, Headache, Piles, Irregularity of the Bowels, Dyspepsia, Kidney Disorder, La Grippe, Indigestion, Pimples, Tetter, * * * and Diseases arising from the Liver, Kidneys and Impure Blood;” (small carton) “For the Blood, Kidneys and Liver.”

On February 5, 1932, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19187. Adulteration and misbranding of Kojene. U. S. v. 19½ Dozen Small and 4½ Dozen Large Packages of Kojene. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27250. I. S. Nos. 37862, 37863, 37864. S. No. 5315.)

Examination of a drug product, known as Kojene, from the shipments herein described showed that the labeling represented that the article possessed curative and therapeutic properties that it did not possess. Examination further showed that the article contained less of the active ingredient,

oxyquinoline sulphate, than declared on the label, and that it did not possess the antiseptic properties claimed for it.

On November 17, 1931, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 19½ dozen small and 4½ dozen large packages of Kojene, remaining in the original unbroken packages at Wilmington, Del., alleging that the article had been shipped by the Kojene Products Corporation, from Buffalo, N. Y., in part on or about April 30, 1931, and in part on or about June 15, 1931, and had been transported from the State of New York into the State of Delaware, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analyses of samples of the article by this department showed that it consisted essentially of small proportions of oxyquinoline sulphate (0.38 gram to 0.54 gram in 100 cubic centimeters) and water, flavored with methyl salicylate. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated for the reason that it fell below the professed standard under which it was sold, namely, "Basic Constituent $(C_9H_7ON)_2H_2SO_4$ In Aqueous Dilution 1:100."

Misbranding was alleged for the reason that the following statements appearing in the labeling were false and misleading: (Carton) "Basic Constituent $(C_9H_7ON)_2H_2SO_4$ In Aqueous Dilution 1:100 * * * Antiseptic Under Prolonged Contact As Hereon Stated * * * Kojene is often recommended by physicians and dentists as a mouth wash and a gargle for the throat as well as a spray for the nose;" (bottle) "Basic Constituent $(C_9H_7ON)_2H_2SO_4$ In Aqueous Dilution 1:100 * * * Antiseptic Under Prolonged Contact As Hereon Stated * * * As a gargle use 1 part Kojene to 5 parts water. * * * Spray for the Nose: * * * For Use in the Mouth: * * * use 1 part Kojene and 5 parts lukewarm water. Hold this solution in the mouth for a minute or two, * * * Bad Breath: Use as a mouth wash * * * Douche: Three tablespoonfuls of Kojene in 1 quart warm water;" (circular accompanying portion) "Kojene is a powerful, non-poisonous, Antiseptic. Medical authorities say that its active principal has greater power to prevent germ infection than Bichloride of Mercury or Carbolic Acid * * * Although I have tried other Antiseptics, I find Kojene is the safest, best and most effective. * * * For many years, women have been told that in order to secure protection against germ infection, they must use Bichloride of Mercury, Carbolic Acid, or some other poison. * * * Remember the active principle of Kojene has Greater Power to Prevent or Arrest Germ Infection than Carbolic Acid, yet it is Non-Poisonous and Absolutely Safe. * * * Kojene used as directed * * * 3 tablespoonfuls to 1 quart of warm water;" (circulars accompanying remainder) "Kojene is a non-poisonous, safe, dependable Antiseptic. * * * Although I have tried other Antiseptics, I find Kojene is the safest, best and most effective. * * * For many years, women have been told that in order to secure protection against germ infection, they must use Bichloride of Mercury, Carbolic Acid, or some other poison. * * * Kojene * * * Possessed Greater Power to Prevent or Arrest Germ Infection than Carbolic Acid, yet it is Non-Poisonous and Absolutely Safe * * * Kojene used as directed—3 tablespoonfuls to 1 quart of warm water." Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Circular accompanying portion) "Kojene Protects Your Health and Life * * * 'Medical authorities tell us that 85 out of every 100 diseases from which folks suffer are caused by germs. To destroy these germs and prevent them from doing harm, Science has given us Antiseptics and Germicides. For instance, if your skin is scratched, cut or bruised, these deadly germs instantly invade the exposed tissue and failure to quickly stop germ development may prove fatal. Likewise, germs in a sore throat or mouth may produce diphtheria, tonsillitis, quinsy and other serious ailments requiring the prompt attention of your family doctor. To be safe, Always Have A Dependable Antiseptic Ready for Instant Use. Delays Are Dangerous.' * * * Kojene * * * It is used and prescribed by thousands of Physicians and Dentists for the relief of sore throat, bad tonsils, troublesome skin affections, * * * sores, * * * and prevent germ infection * * * to heal * * * bleeding gums and keep the mouth in a

healthy condition. * * * Gargle for Sore Throat—Bad Tonsils Ordinary sore throat and inflamed tonsils will be promptly relieved by using Kojene as a gargle. * * * Catarrhal Conditions of Nose and Head * * * Itching of Eczema and Common Skin Affections * * * to keep the gums and tissues of the mouth in a clean, normal condition, use 1 part Kojene and 5 parts lukewarm water. * * * Prevents Any Unsightly Sores, Pimples or Redness. * * * Thousands of Physicians and Dentists use and recommend Kojene for sore throat, bad tonsils, catarrhal conditions, * * * various skin troubles, * * * heal bleeding gums, * * * a safe, dependable Antiseptic and its power to prevent or arrest germ infection when used as directed is vouched for by many eminent medical authorities. ‘ * * * Kojene. I don’t want him to be without its great protection.’ * * * ‘I have been bothered with a skin eruption all my life and never secured permanent relief until I used Kojene.’ ‘ * * * it protects us all, * * * ’ For the Protection of Yourself—Your Children—Your Family— * * * Kojene Gives Security;” (circulars accompanying remainder) “Kojene Protects Your Health and Life * * * Health and Medical authorities tell that 85 diseases out of every 100 from which folks suffer are caused by germs. To kill these germs and prevent their development, science has provided us with Germicides and Antiseptics. When your skin is scratched, cut, or bruised, failure to immediately stop germ infection may cause death. Likewise, germs in a sore throat or mouth may produce diphtheria, tonsillitis, quinsy and other diseases often fatal; hence, to be safe, Always Have an Antiseptic Ready for Instant Use. * * * Kojene * * * Thousands of Doctors and Dentists use and prescribe it for their patients. * * * Now, Kojene may have been recommended by your Physician for the relief of sore throat, tonsillitis, catarrh, troublesome skin affection, * * * or as a continuous wet dressing to heal a * * * sore * * * or prevent germ infection. Or * * * the healing of a sore mouth, bleeding gums, or as a daily mouth wash to prevent Pyorrhea, * * * A slight scratch, cut, burn, or abrasion of the skin may become infected by germs, causing great suffering, and often death. * * * apply Kojene full strength. This will afford you such protection as only a powerful Antiseptic can give. * * * Gargle For Sore Throat—Bad Tonsils Ordinary sore throat and inflamed tonsils will be promptly relieved by using Kojene as a gargle. * * * Catarrhal Conditions of Nose and Head * * * Itching of Eczema and Common Skin Affections * * * to keep the gums and tissues of the mouth in a clean, normal condition, use 1 part Kojene and 5 parts lukewarm water * * * Prevents Any Unsightly Sores, Pimples or Redness * * * don’t want him to be without its great protection. * * * ‘I have been bothered with a skin eruption all my life and never secured permanent relief until I used Kojene.’ * * * it protects us all, * * * , While these letters tell about the great power of Kojene, and how quickly it relieved some ailment like sore throat, tonsillitis, catarrh, eczema, * * * or healed some * * * old sore or abscess, we have not mentioned any one of these diseases, * * * For the Protection of Yourself—Your Children—Your Family—Kojene Gives Security.”

On December 31, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19188. Misbranding of Ballard's Golden oil. U. S. v. 30 Small and 24 Large Bottles of Ballard's Golden Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27338. I. S. No. 38825. S. No. 5405.)

Examination of a drug product, known as Ballard's Golden oil, from the shipments herein described having shown that the bottle label and wrapper and an accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On December 5, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 small and 24 large bottles of Ballard's Golden oil, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Ballard Golden Oil Co., from Old Town, Me., in various consignments, on or about February 17, April 2, and June 3, 1931, and had been transported from the State of Maine into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of linseed oil with a small proportion of volatile oils such as peppermint oil, cedar oil, origanum oil, and methyl salicylate.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "For the relief of * * * Croup, Colic, Asthma, * * * Common Sore Throat, Whooping Cough * * * for Muscular Rheumatism * * * Fresh Wounds;" (wrapper) "Used for the relief of * * * Croup, Colic, Asthma, * * * Common Sore Throat, Whooping Cough, * * * Rheumatism, * * * Fresh Wounds;" (circular) "Be prepared for the emergency which may come at any time, such as * * * croup, asthma, common sore throat, * * * and etc. * * * For Croup. For * * * Common Sore Throat take Ballard's Golden Oil freely as directed, heat and rub throat with the Oil, this will aid to soothe, loosen and heal the affected parts. For Colic take Ballard's Golden Oil as directed, let it help you get rid of the griping pains. For Muscular Rheumatism * * * it is a foe to Inflammation; thousands use and praise it for * * * healing qualities. * * * It Is Wonderful For Children * * * it is highly recommended as an emergency remedy for its loosening, * * * and healing qualities."

On January 22, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19189. Misbranding of Sal-Va-Sena. U. S. v. 45 Bottles, et al., of Sal-Va-Sena. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 26908, 26963, 27038. I. S. Nos. 35838, 36845, 36894. S. Nos. 5084, 5174, 5245.)

Examination of a drug product, known as Sal-Va-Sena, having shown that the labeling bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the Eastern District of Louisiana, the interstate shipments herein described involving quantities of the product located at New Orleans, La.

On August 24, September 11, and October 5, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 112 bottles of Sal-Va-Sena, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Millin Drug Co., from Memphis, Tenn., on various dates, on or about February 5, March 12, August 14, and August 15, 1931, and had been transported from the State of Tennessee into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of magnesium sulphate (16 to 20 grams per 100 milliliters), iron, chloride (approximately 1 gram per 100 milliliters), extract from a laxative plant drug such as senna, and water.

It was alleged in the libels that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "It makes the eye bright, clears up the complexion, quickens the senses * * *. Your Health depends on your Liver, Kidneys and Blood. If you are sick, treat these organs and in the majority of cases you will eradicate the cause. * * * a powerful * * * Blood Purifier * * * Relieves a bad headache in a few hours. Relieves La Grippe in one day. Relieves weakness and tired feeling in one day. Relieves pain in neck, sides, shoulders, back or hips in one day. Relieves sick stomach, belching, gas on stomach in three hours. The greatest of all remedies for * * * biliousness. * * * is beyond question the greatest of all remedies for Biliousness, * * * Headaches, * * * and a general run-down condition, and should always be kept on hand by every family, as many cases of serious illness can be prevented by its timely use. Directions For Taking—* * * For * * * Headaches, Biliousness, La Grippe, Etc.;" (carton) remedies for Biliousness, * * * Headaches, * * * and a General Run-down Condition, and should always be kept on hand By every family,

as many cases of serious illness can be prevented by its timely use. * * * Directions For Taking * * * For * * * Headache, Biliousness, La Grippe, Etc.;" (circular) "World's Best * * * Anti-Malarial * * * It makes the eyes bright. Clears Up The Complexion, Quickens The Senses * * * Relieves a bad * * * cough in one day. Relieves headache in a few hours. Relieves La Grippe in one day. Relieves pain in neck, side, shoulders, back or hip in one day. Relieves sick stomach, belching, gas on stomach in three hours. Beyond all question the best of all remedies for * * * Biliousness and Malaria. * * * the best * * * Liver Tonic * * * Your Health depends on your Liver, Kidneys and Blood. * * *

sick, treat these organs and in the majority of cases you will eradicate the cause. If you are well, take good care of them and you will not be sick. Bad Livers have more to do with the unhappiness in this world than any one thing. The Liver is nature's garbage collector. If it is not working the system is soon poisoned with the unhealthy matter That Is Diverted To The Blood instead of passing off in the natural way. Do you want to keep yourself well if you are well and to make yourself well if you are sick? Then Take Salvasena. * * * is the very best remedy in the world for Biliousness, * * * Headaches, * * * Malaria, La Grippe and a general run-down condition. * * * How Uric Acids, Toxins Or Poisons Are Formed And how they get into the blood stream, causing auto-intoxication or self-poisoning. Note—Many physicians have expressed the opinion that, owing to the vital importance of the subject and the general lack of knowledge on the part of nearly every one regarding the delicate mechanism of the human body, and because of the clear, direct language here used, no article of greater educational value than this has ever been written. The real source of nearly all ills lies in the thirty feet of bowels. Every modern physician today is alive to the fact that at the bottom of a great many ills is Auto-Intoxication—meaning self-poisoning—poisons, acids and toxins generated from the delayed waste matter and indigestible material in the intestinal tract, which is then absorbed into the blood through the very ducts which should suck or absorb only nourishment to sustain the body. We who neglect this vital condition are every moment of our lives running the terrible risk of being overpowered by poisons generated within our own bodies. Physicians have for generations past recognized the danger of intestinal obstructions—their first question, when asked to attend a patient is: 'When was there a movement of the bowels last?' and 'Let me see your tongue?' Upon these answers depends almost entirely his diagnosis of the case. There are two processes constantly going on in the human body—one is that of nourishment and repair, the other is the process of tissue destruction or waste and carrying off the waste material. Nourishment is supplied by food and drink and for every ounce thus consumed nearly an ounce of waste material must be carried out of the system. If this waste material is retained within the system, it forms acids, toxins, or poisons which are absorbed into the blood and which destroy the health, just as stopping of the sewers or drainage of a large city may cause pestilence, disease and death. If the blood is kept pure, there should be little or no disease. The blood is the life of the body. But what causes impure blood, sickness and disease? The answer is plain. Under the usual circumstances when eating wholesome food and there is no inherited blood disease, impurities or disease of the blood comes from one principal source. That source is the waste or indigestible material found in the human body, and not thrown out by the natural organs; for instance, there is nothing more poisonous than decayed animal tissues, such as spoiled meat, if taken into the stomach as food. In the same way, the decayed animal tissue is equally poisonous if it comes from the waste of the system within and is retained in the intestinal canal and absorbed into the blood, instead of being cast out by the bowels and urinary organs. The food we eat, but do not digest, is also the source of these poisons. Just as 'coal,' when it burns, leaves behind a certain amount of incombustible material in the form of ashes, so the food eaten day after day leaves behind it in the alimentary canal some indigestible or undigested material. If this be not promptly and completely eliminated from the system, it becomes food for the millions of bacteria that infest the bowels. It ferments, putrefies, and the quick result is that from this left-over mass of waste material toxins are formed and ptomaine-like poisons, among them uric acid. Always bear in mind the blood is the life, and must be kept pure and healthy. Inject Poison Into The Blood Direct And Three Minutes Later This Poison Has Traversed

Through Every Vein And Artery In The Body. Consider, then how Vitally Important it is to guard well the portals of this life-giving fluid. If you permit poisons in the stomach and bowels—in other words, if you permit the indigestible materials and waste products to remain in the alimentary organs and form into poisons and toxins these poisons and toxins will be absorbed into the blood by the myriads of blood or lymph ducts leading from the bowels to the blood stream. These ducts are constantly sucking nutriment into the blood from the food mass in the bowels to keep us alive. Now suppose the bowels are unclean, unhealthy, and filled with these poisons or toxins—then instead of only good, healthy, strengthening nutriment being fed into the blood to sustain and nourish the body, these acids, toxins and poisons are also being absorbed into the blood together with the nutriment, causing Self-Poisoning or Auto-intoxication, Headaches, Biliousness, Indigestion, Backache, Rheumatism, Blood Disorders, Skin Eruptions, Pimples, etc., are nearly always symptoms resulting from poisons absorbed into the blood or system from effete or undigested waste material delayed in the stomach or bowels. So far as the health is concerned, inside cleanliness is More Important than external cleanliness, because the skin pores do not absorb dirt and impurities—The Bowels Pores (lymph ducts) Do. It is therefore of the utmost importance that the stomach and bowels be kept clean, pure and healthy, and properly disposing of the food and drink taken. What soap and water are to the skin, cleansing, freshening, purifying; Salvasena is to the alimentary organs of the body. It keeps the liver toned up, the breath sweet, the stomach and bowels clean, wholesome and healthy. Salvasena is as much a household necessity, and Should Be Kept On Hand Just As Regularly As Soap; so far as the health is concerned, it is a greater necessity, because continued good health is impossible unless the stomach and bowels be kept clean, wholesome and healthy. * * * Is the one perfect * * * Liver Tonic * * * If Salvasena is taken in time, Many Cases of Serious Illness Will Be Prevented. Take Salvasena for Biliousness, * * * Bad Headache, * * * La Grippe, Malaria, pain or soreness in the stomach or bowels, and * * * Do not neglect such conditions, when promptness may save you a long and serious illness. * * * is adapted to any system, young or old. There is no other remedy in the world like Salvasena. Tonics which merely stimulate the system and leave the impurities and germs to prey upon the health are Dangerous. Salvasena reinvigorates and imparts healthful energy by thoroughly Cleansing the system of the germs, impurities and toxins which poison it. Every Woman Who suffers during Menstruation from Headache or other Pains, will secure positive relief by taking Salvasena. No woman should fail to keep this sovereign remedy on hand. We guarantee satisfactory results * * * has No Equal For Biliousness * * * Headaches, and a General Run-Down Condition. * * * Keep your Liver, Stomach, Bowels and Blood in good order to be free from * * * Dyspepsia, * * * Malaria, Sick Headache, Liver Complaint, * * * Lame Back, Impure Blood, Pimples, Boils, Etc.”

On March 21, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19190. Adulteration and misbranding of solution citrate of magnesia and Citro-Nesia. U. S. v. Citro-Nesia Co. (Inc.). Plea of nolo contendere. Fine, \$440. (F. & D. No. 25690. I. S. Nos. 05056, 05304, 08358, 08365, 016193, 030709, 030989, 030990, 033728, 033730.)

This case involved 10 separate shipments of solution citrate of magnesia, 9 of which were labeled as complying with the requirements of the United States Pharmacopœia. One consignment was labeled Citro-Nesia Split. Portions of the product labeled solution citrate of magnesia were further labeled with the trade name Citro-Nesia, described as an improved citrate of magnesia. The article in 8 of the shipments failed to conform to the requirements of the pharmacopœia, since it contained smaller amounts of magnesium citrate, free citric acid, and total citric acid than are specified in the tenth (current) revision of the pharmacopœia, and in those instances in which the product was labeled as conforming to the requirements of the ninth revision of the pharmacopœia, its strength fell below the requirements of the ninth revision. In the remaining 2 consignments the bottles were found to contain less than the declared volume, and in 4 of the other shipments similar shortages were found.

On May 19, 1931, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Citro-Nesia Co. (Inc.), a corporation, Chicago, Ill., alleging shipment by said company in violation of the food and drugs act, of quantities of solution citrate of magnesia and Citro-Nesia that were adulterated and misbranded. The said shipments were made from the State of Illinois into the State of Wisconsin on or about January 4, 1929, June 14, 1929, November 7, 1929, and January 30 and March 4, 1930; from Illinois into Iowa on or about August 10, 1928, September 5, 1929, and January 4 and January 15, 1930; and from Illinois into Indiana on or about July 26, 1928.

The bottle caps of 9 of the 10 shipments were labeled in part: "Sol. Citrate of Magnesia U. S. P. [or "U. S. P. IX]." Portions of the bottles were labeled, "Citro-Nesia Solution Citrate of Magnesia" or "Solution Citrate of Magnesia" and blown on certain portions of the bottles were the words, "Solution Citrate Magnesia" or "Citrate of Magnesia." Portions of the bottles were contained in cartons labeled, "Citro-Nesia * * * Citrate of Magnesia, U. S. P." or "Solution Citrate of Magnesia U. S. P." One lot of the product was labeled: (Bottle cap) "Citro-Nesia;" (bottle label) "Citro-Nesia * * * Split * * * An Improved Citrate of Magnesia." Various lots of the article were further labeled, "11 oz." or "12 oz.," in some instances both weights appearing on different portions of the labeling of the same bottle.

It was alleged in the information that the article in 8 of the 10 shipments was adulterated in that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopœia official at the time of investigation of the article, since it contained magnesium citrate corresponding to less than 1.5 grams of magnesium oxide per 100 cubic centimeters; it contained free citric acid equivalent to less than 9.5 cubic centimeters of half-normal sodium hydroxide per 10 cubic centimeters of the article, and it contained total citric acid equivalent to less than 28 cubic centimeters of half-normal sulphuric acid per 10 cubic centimeters of the article; whereas the said pharmacopœia provides that solution of magnesium citrate shall contain in each 100 cubic centimeters magnesium citrate corresponding to not less than 1.5 grams of magnesium oxide; that 10 cubic centimeters thereof shall contain free citric acid equivalent to not less than 9.5 cubic centimeters of half-normal sodium hydroxide; and that 10 cubic centimeters shall contain total citric acid equivalent to not less than 28 cubic centimeters of half-normal sulphuric acid. Adulteration was alleged for the further reason that the article differed from the standard laid down in the United States Pharmacopœia, and its own standard of strength, quality, and purity was not declared on the container thereof. Adulteration of the said 8 consignments was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, since the article in 4 shipments was represented to conform to the pharmacopœia, whereas it did not; the article in 3 shipments was represented to conform to the pharmacopœia, ninth revision, whereas it did not; and one shipment was represented to be an improved citrate of magnesia, whereas it was not.

Misbranding was alleged with respect to the article in 7 of the said shipments for the reason that the statements "Sol. Citrate of Magnesia U. S. P.," "Citrate of Magnesia U. S. P.," and "Solution Citrate of Magnesia U. S. P. IX," borne on the bottle caps or cartons, were false and misleading in that the said statements represented that portions of the article conformed to the standard laid down in the United States Pharmacopœia official at the time of investigation, and that portions conformed to the standard laid down in the pharmacopœia, ninth revision; whereas they did not conform to the pharmacopœia official at the time of investigation, and portions that were labeled as conforming to the requirements of the ninth revision did not so conform. Misbranding was alleged with respect to the so-called "Citro-Nesia Split" for the reason that the statement "An Improved Citrate of Magnesia," borne on the bottle label, was false and misleading, since the article was not an improved citrate of magnesia. Misbranding was alleged with respect to various lots of the article for the reason that the statement, "Contents 12 oz." on the labels of some of the shipments, and the statement on the cap, "Min. Cont. 11 oz.," and on the label, "Contents 12 ounces," (both statements appearing on the labeling of the same bottle in certain shipments) were false and misleading,

since the bottles in the said lots contained less than 12 ounces, and in some instances contained less than 11 ounces.

On February 10, 1932, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$440.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19191. Misbranding of Dill's balm. U. S. v. 114 Small and 10 Large Packages of Dill's Balm. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27181. I. S. Nos. 37858, 37859. S. No. 5322.)

Examination of a drug product, known as Dill's balm, from the shipment herein described having shown that the labeling bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Delaware.

On or about October 24, 1931, the United States attorney filed in the District Court of the United States for the District of Delaware a libel praying seizure and condemnation of 115 small and 10 large packages of Dill's balm, remaining in the original unbroken packages at Wilmington, Del., consigned September 25, 1931, alleging that the article had been shipped by the Dill Co., from Norristown, Pa., and had been transported from the State of Pennsylvania into the State of Delaware, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of ammonia, volatile oils including sassafras oil, cinnamon oil, and camphor, extracts of plant drugs, alcohol (61.8 per cent by volume), and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effect of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "For pain in stomach and bowels, Colic, Intestinal Cramp, Diarrhoea, Cholera-Morbus, * * * sore throat;" (carton) "For the relief of pain in the stomach and bowels, colic, diarrhoea, intestinal cramp, cholera-morbus."

On December 31, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19192. Misbranding of Dr. Hale's household tea and Dr. Hale's household ointment. U. S. v. 33 Small and 12 Large Packages of Dr. Hale's Household Tea, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 27587, 27588. I. S. Nos. 38986, 38992. S. Nos. 5528, 5579.)

Examination of drug products, known as Dr. Hale's household tea and Dr. Hale's household ointment, from the shipments herein described having shown that the labeling bore statements representing that the articles possessed curative and therapeutic properties which they did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On December 24, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 33 small and 12 large packages of Dr. Hale's household tea and 69 small and 12 large packages of Dr. Hale's household ointment, remaining in the original unbroken packages at Boston, Mass., alleging that the articles had been shipped by Kenyon & Thomas Co., from Adams, N. Y., in part on or about June 15, 1931, and in part on or about November 21, 1931, and had been transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that Dr. Hale's household tea consisted of a mixture of plant drugs including senna, buckthorn, galium, teucrium, and berberis; and Dr. Hale's household ointment consisted essentially of petrolatum and volatile oils such as camphor, thyme oil, and turpentine oil.

It was alleged in the libels that the articles were misbranded in that the following statements regarding the curative or therapeutic effect of the articles were false and fraudulent, since they contained no ingredient or combination of ingredients capable of producing the effects claimed: (Dr. Hale's household tea, carton) "The Great Blood Purifier and Nerve Tonic * * * Continue this treatment daily until fully restored to health. * * * As the blood becomes purified the eyes will become clear and bright, the complexion assumes a ruddy hue, the mind becomes active, the nerves become strong, sleep becomes peaceful and restful, that tired, languid feeling all passes away and you feel that it is a pleasure to live in the enjoyment of perfect health. * * * Reasons Why You Should Use Dr. Hale's Household Teas. It is Nature's Remedy. * * * it acts upon the Blood, changing it to a healthy condition. It stimulates the Liver and Kidneys to a healthy action. It is the finest Nerve Tonic known to man. It gives tone to the stomach and Digestive Organs. * * * Everybody should use it to enjoy perfect health," (Dr. Hale's household tea, circular) "The Great Blood Purifier and Nerve Tonic * * * A Certain and Quick Relief for Biliousness, Torpid Liver, Indigestion, * * * Dyspepsia in all forms, Nervous Debility, Exhaustion, Nervous Prostration, Kidney Trouble, Incontinence of Urine, Female Weakness, Scrofula, and all troubles arising from an impure state of the blood, Sluggish Action of the Liver and Kidneys or disarrangement of the Nervous System. Dr. Hale's Household Tea is a remedy, acting upon the secretions of the system, restoring to health, and leaving nothing to be desired. Dr. Hale's Household Tea * * * is one of the finest and purest Nerve Tonics known to man. * * * Continue the treatment daily until finally restored to health. * * * As the blood becomes purified * * * you feel that it is a pleasure to live in the enjoyment of perfect health. * * * In stubborn cases * * * the quantity may be increased, * * * Are you Bilious? Take Dr. Hale's Household Tea. * * * Do you feel Weak, Tired and Languid? Dr. Hale's Household Tea will give you strength. Do you lack Energy, Vigor and Nerve Power? Dr. Hale's Household Tea will restore vitality and impart vigor and strength to the entire system. * * * A Word to Ladies Are you Suffering from Weakness? Dr. Hale's Household Tea * * * will surely give you health and strength. It is the great restorative medicine, making the weak strong. Rheumatism, Neuralgia and all Skin Diseases are quickly relieved by Dr. Hale's Household Tea * * * Ladies, do you desire a Clear Complexion? If so, take Dr. Hale's Household Tea. [Similar statements are made in foreign languages];" (Dr. Hale's household ointment, container label) "For Catarrh, Eczema, Piles, Etc.;" (Dr. Hale's household ointment, carton) "Used for Catarrh, Eczema, Piles, Etc.;" (Dr. Hale's household ointment, circular) "Relieves Pain and Allays Inflammation. A Remedy of Wonderful merit, for the relief of Salt Rheum, Eczema, Erysipelas, Ring Worm, Tetters, Scaly or Itching Eruptions of the Skin and all Scaly Eruptions, Itching and Irritations of the Scalp, Scald Head, Scrofulous Ulcers, Sores and Discharging Wounds, Rheumatism, Lamé Back, Neuralgia, Headache, Sciatica * * * Contraction of the Muscles and Cords, Piles, Catarrh, Croup and Hoarseness * * * for relieving pain and reducing inflammation. * * * The Ointment is a marvelous curative agency * * * General Directions for Using. This Ointment may be applied to any part of the external surface * * * It may be swallowed in Throat affections and diseases of the lungs, * * * It may be inserted in the nostrils, * * * for Catarrh. It Has Cured Catarrh Where Many Other Remedies Have Failed. In all cases of Rheumatism, Neuralgia, Lamé Back, Sideache, Headache and all acute pains, the Ointment should be thoroughly applied * * * On Children, Is of Marvelous Efficacy Croup—In this dangerous disease, a speedy cure is effected * * * If any inflamed condition of the lungs or bronchial tubes, apply freely to the chest * * * between the shoulders, * * * Catarrh— * * * It relieves this trouble very quickly and soon effects a cure. Eczema—Salt Rheum, Erysipelas and Every Skin Eruption, yields readily * * * It does not dry up these diseases but extracts the poison and heals rapidly. * * * Try this Ointment for Erysipelas, Eczema, Salt Rheum * * * It Surely Cures Piles—Are relieved immediately and soon cured by a free use of this Ointment. * * * Sore Throat—Spread a thick coating of the Ointment * * * Inflamed Sore Eyes—Apply the Ointment to the temples and eye-lids, and sides of the nose. It takes out all inflammation and heals quickly. Corns— * * * for the cure of corns and sore feet. * * * It has cured Rheumatism in

the feet * * * Cold feet or numb limbs are readily cured * * * Neuralgia and Rheumatism—Yield at once by the influence of this Ointment. It has cured the worst cases of neuralgia in three minutes and there is no return of the pain. It does not scatter pain to other localities but cures at once. Rheumatic pains and acute Rheumatism are relieved as if by magic. Ulcerated Sores, Scrofulous * * * and Scald Head are obstinate affections, and will require perseverance to effect a cure. * * * It will reduce the inflammation, extract all the irritating humors and heal the sores without endangering the health. * * * Ague in the Face or Breast—Is speedily cured * * * Earache— * * * Rupture—Apply the Ointment freely * * * It allays the inflammation, is very strengthening and has been known to cure this trouble. * * * For the Use of Ladies—For weak back, it is most excellent. For Ulceration of the Womb, Leucorrhoea or inflamed condition of the parts apply the Ointment * * * healing and has effected remarkable cures. Headache— * * * it is all powerful in allaying pain, reducing inflammation and curing all skin diseases, * * * can be taken internally with benefit, in all throat and bronchial affections. No Other Remedy Can Take its Place in Throat and Lung Affections. * * * use this Ointment for Catarrh. * * * For the cure of Piles, this Ointment is unexcelled. * * * and It Cures. [Testimonial] My wife has been cured of Rheumatism. * * * Facts To Be Remembered. It is unexcelled for catarrh. Lame back vanishes at its use. * * * It has cured Salt Rheum and Eczema * * * It is fine for Neuralgia and Rheumatism.”

On January 22, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19193. Adulteration and misbranding of Betalax. U. S. v. 141 Packages of Betalax. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27606. I. S. No. 38987. S. No. 5636.)

Examination of a drug product, known as Betalax, from the shipment herein described showed that the article was represented to be an antiseptic and digestant, whereas it was not antiseptic and possessed no protein-digestant power and little if any starch-digestant power. The labeling also bore unwarranted curative and therapeutic claims.

On December 26, 1931, the United States attorney, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 141 packages of Betalax, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Betalax Co. (Inc.), from Mount Vernon, N. Y., on or about November 4, 1931, and had been transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of hydrated magnesium oxide, lactose, small proportions of magnesium carbonate, peppermint oil, and anise oil. The article possessed no proteolytic power, and a negligible amylolytic power. Bacteriological examination showed that the article would not be an intestinal antiseptic.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, that it contained “Intestinal Antiseptics and Digestives.”

Misbranding was alleged for the reason that the statement, “Combined with Intestinal Antiseptics and Digestives,” appearing on the carton and package label, was false and misleading. Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative or therapeutic effect of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effect claimed: “Betalax is effectively employed in the treatment of * * * Auto-Intoxication, Intestinal Fermentation, Indigestion, * * * Palpitation, Gastritis and Cystitis.”

On January 22, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19194. Adulteration and misbranding of menthol ice. U. S. v. 40 Small and 11 Large Packages of Menthol ice. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27342. I. S. No. 37973. S. No. 5526.)

Examination of samples of menthol ice from the shipments herein described showed that the jar label and carton and an accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess. The article was also represented to be antiseptic, whereas it was not.

On December 7, 1931, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 40 small and 11 large packages of menthol ice, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped to Kellogg & Hitchcock Co., from Syracuse, N. Y., in various consignments or on about October 6, 1930, May 14, 1931, and September 12, 1931, and had been transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of an ointment with a petrolatum base, containing zinc oxide and menthol. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, "Antiseptic," whereas the strength of said article fell below such professed standard in that it was not antiseptic.

Misbranding was alleged for the reason that the statement "Antiseptic," appearing on both large and small cartons, was false and misleading. Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative or therapeutic effect of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton, large size) "It is recommended for Catarrh, Hay Fever, Rose Cold, Eczema, * * * or any irritation of the skin, also Piles, Sores * * * and almost any form of inflammation;" (jar label, large size) "For Hay Fever, Rose Cold and Catarrh, * * * For Piles, Sores, * * * Eczema, Salt Rheum and all irritations of the skin * * * For Sore Throat * * * For all throat troubles;" (carton, small size) "It is recommended for Catarrh, Hay Fever, Rose Cold, Eczema, * * * or any irritation of the skin, also Piles, Sores, * * * and almost any form of inflammation;" (jar label, small size) "Directions For Hay Fever, Rose Cold, and Catarrh * * * For Piles, Sores, * * * Eczema, Salt Rheum and all irritation of the skin;" (circular, both sizes) "Rose Cold and Hay Fever. * * * As a Preventive. By keeping the inside of the nostrils well smeared with the Ice three or four weeks previous to, and also during the season of Hay Fever and Rose Cold, the attacks will be greatly lightened and, in many cases, entirely avoided. Catarrh. Treat as for Hay Fever. * * * Skin Diseases, Including Eczema, Itch, Etc. * * * the afflicted parts * * * troubles * * * Sores, Especially Those of Long Standing. Treat as for skin diseases. For Old Sores * * * See directions for Skin Diseases. Piles, Internal or Protruding, Itching Piles. Apply directly to the diseased parts * * * Pimples and Skin Eruptions. * * * Bunions. Apply as often as necessary to keep the * * * Bunion covered with the Ice * * * Ladies, do you desire a clear, healthy complexion, the skin smooth and free from blemish? If so (and we are sure you do), try Compound Menthol Ice. * * * It is invaluable when * * * there is any throat trouble. * * * For the throat, 'croup' troubles especially."

On January 5, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19195. Misbranding of B. O. and G. C. Wilson's neuropathic drops. U. S. v. 42 Bottles, et al., of B. O. and G. C. Wilson's Neuropathic Drops. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 27649, 27667. I. S. Nos. 42730, 42761. S. Nos. 5654, 5749.)

Examination of samples of the drug product herein described showed that the labeling bore statements representing that the article possessed curative and therapeutic properties which it did not possess.

On or about January 12 and January 19, 1932, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 78 bottles of Wilson's neuropathic drops at New York, N. Y., alleging that the article had been shipped by Winsol (Inc.), Boston, Mass., in various consignments on or about November 16, December 1, and December 18, 1931, and had been transported from the State of Massachusetts into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of capsicum oleoresin, volatile oils including camphor and a mint oil, alcohol, and water.

It was alleged in the libels that the article was misbranded in that the following statements, appearing in the labeling regarding the curative or therapeutic effect of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effect claimed: (Bottle label) "Neuropathic * * * Chills, Cramps, Internal Pains, * * * Chill-blains * * * Reduces many forms of internal and external inflammation;" (outside wrapper) "Neuropathic * * * Chills, Cramps, Cholera Morbus, Acute Indigestion, Internal Pains, * * * Chillblains * * * Neuropathic * * * its promptness in removing pain both external and internal * * * the Great Pain Cure of the age;" (circular) "Neuropathic * * * For Colic, Cramps, etc. * * * Indolent Sores, * * * for Rheumatism * * * other local Aches and Pains."

On February 26, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19196. Misbranding of Shults' Infallible ointment and Shults' veterinary ointment. U. S. v. 54 Jars of Shults' Infallible Ointment, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27191. I. S. Nos. 37856, 37857. S. No. 5321.)

Examination of samples of a drug product, known as Shults' Infallible ointment and Shults' veterinary ointment (the same product under different designations), from the shipments herein described having shown that the labeling bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Delaware.

On October 30, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 54 jars of Shults' Infallible ointment, 25-cent size, and 30 jars assorted of Shults' Infallible ointment and Shults' veterinary ointment, 50-cent size, remaining in the original unbroken packages at Wilmington, Del., alleging that the article had been shipped by the Shults Ointment Co., from Chester, Pa., in part on or about May 8, 1931, and in part on or about August 1, 1931, and had been transported from the State of Pennsylvania into the State of Delaware, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that both the Infallible ointment and the veterinary ointment consisted essentially of lead oleate and a tarry oil, incorporated in an ointment base of wool fat and petrolatum.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effect of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Jar label, 25-cent size) "Infallible * * * The Great Specific for Inflammation For the treatment of Old Scrofulous Sores and Indolent Ulcers,

Fever Sores, Varicose Ulcers, Syphilitic Ulcers, Gangrene and all sores of long standing, Blood Poisoning from open wounds, and All Poisoned and Lacerated Wounds, Boils, Malignant Carbuncles, Felons, Salt Rheum, Eruptive Erysipelas, Sore, Inflamed and Granulated Eyelids, Eczema and all Skin Diseases and Piles. The greatest subduer of Pain and Inflammation known. For any outward disease or injury * * * Healing;" (carton, 25-cent size) "Infallible * * * This Ointment * * * remedy * * * For Piles, Old Scrofulous Sores and Indolent Ulcers, Fever Sores, Burns, Scalds, * * * Cuts, Wounds, * * * Swellings, Chilblains, Boils, Felons, Salt Rheum, Eruptive Erysipelas. We also recommend this Ointment for Eczema, Inflamed, Sore and Granulated Eyelids, Tumors and Glandular Swellings, Inflammations and all Skin Diseases. In fact, for any outward disease or injury, it has absolutely no equal. * * * Infallible * * * The Great Specific for Inflammation;" (jar label, portion of 50-cent size) "Infallible Ointment The Great Specific for Inflammation Used for many years with eminent satisfaction for the relief of Sores, Ulcers, Fever Sores, Syphilitic Ulcers, Gangrene and all Sores of long standing, Blood Poisoning, Poisoned and Lacerated Wounds, Boils, Malignant Carbuncles, Felons, Salt Rheum, Eruptive Erysipelas, Sore, Inflamed and Granulated Eyelids, All Skin Diseases, Piles and Burns. The Greatest Subduer of Pain and Inflammation Known. For any Outward Disease or Injury * * * Healing. Equally good for Ailments of Animals;" (jar label, remainder of 50-cent size) "The Great Specific for Inflammation. For Scratches, Mud Fever, Grease Heel, Old Sores, Indolent Ulcers, Fistulas, * * * Wounds, Cracked Heels, Speed Cracks, Calks, Quittor, Thrush, * * * Sore Neck and Back, * * * Inflammation and All Skin Diseases and a Great Hair Grower. This Ointment is equally good for the Human Flesh, For Piles, Old Ulcers, Fever Sores, Burns, Wounds, etc. In fact, for any outward diseases or injury on man or beast;" (carton 50-cent size) "Infallible * * * Beats the World for Scratches, Mud Fever, Grease Heel, Old Sores, Ulcers, Fistulas, * * * Wounds, Cracked Heels, Speed Cracks, Calks, Quittor, Thrush, * * * Sore Neck and Back, * * * Inflammations and all Skin Diseases and a Great Hair Grower. * * * Remedy * * * for Piles, Old Ulcers, Fever Sores, Barbers' Itch, Burns, Wounds, etc., in fact for any outward disease or injury on Man or Beast * * * Especially good for the Human Flesh. * * * Worth Its Weight In Gold For Its Hair Growing Qualities;" (circular, both sizes) "Relief for Sufferers * * * Healing Remedies * * * It Hurts To Get Hurt, but if you have a Jar of Shult's Ointment on hand you have a remedy that is unsurpassed for relieving pain, subduing inflammation and healing wounds. * * * Shults' Infallible and Veterinary Ointments have proved successful in the most stubborn cases of Piles, Old Scrofulous Sores, Indolent Ulcers and Fever Sores. For Burns, Scalds, * * * Cuts, Wounds, Swellings, Boils, Salt Rheum, Sore, Inflamed and Granulated Eyelids, Eczema, Eruptive Erysipelas, Inflammations, Gangrene and Skin Diseases, * * * Many who have used Shults' Ointment testify that it is the greatest subduer of pain and inflammation known. * * * Pain is an evidence conveyed to the brain by the nerves, that there is inflammation in that part of the body whence the pain proceeds. When pain first commences prompt application of Shults' Ointment, the Great Antidote for Inflammation, will drive it away by subduing the inflammation; blood poisoning will surely be prevented when Shults' Ointment is used. It is penetrating, stimulating, * * * and * * * heals from beneath the surface, by disinfecting the parts, subduing inflammation and stimulating healthy granulation, * * * For inflammation of the lungs, or any soreness or tightness across the chest, apply freely in the form of a plaster, and notice how quickly it relieves. For piles the relief is immediate. * * * Shults' Ointment For boils, carbuncles, * * * burns, scalds, sores, piles, inflammations, cut or torn wounds, gangrene, eczema, * * * other skin diseases, apply liberally to the part affected, * * * [testimonials] * * * positive results obtained after using your ointment prompts me to testify as to its wonderful healing qualifications. * * * I sustained a serious wound caused by a buckle of my leggings puncturing my leg. * * * A festering infection accompanied by severe pain resulted. * * * Shults' Infallible Ointment * * * Its use brought almost immediate relief from pain and the wound was soon healed. My wife had a bad case of blood poisoning on her foot, to which we applied your ointment. It effected a complete cure and evidently prevented, in all probability, the amputation of her big toe. * * * Shults' Ointment * * * highly recommend it to all having sores or infections that will not yield to other

treatment. * * * "Gangrene Conquered, Shults' Ointment Victor. * * * I began applying Shults' Ointment to the afflicted part, resulting in such a change in its appearance that the doctors advised a further trial of the ointment treatment. This gradually withdrew all poisonous matter from and healed the infected spot so that the use of my foot was restored. * * * For use on animals, * * * for sore shoulder or back."

On January 2, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19197. Misbranding of Denver mud. U. S. v. 4 Dozen Jars, 12 Dozen Large Cans, and 18 Dozen Small Cans of Denver Mud. Default decree of destruction. (F. & D. No. 27266. I. S. Nos. 31516, 31517, 31518. S. No. 5427.)

Examination of a drug product, known as Denver mud, having shown that the labeling bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the District of Utah, the interstate shipments herein described, involving a quantity of the article located at Ogden, Utah.

On November 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 4 dozen jars, 12 dozen large cans, and 18 dozen small cans of Denver mud, remaining in the original unbroken packages at Ogden, Utah, alleging that the article had been shipped by the Denver Mud Co. (Inc.), from Denver, Colo., in various consignments on or about June 11, August 4, August 31, and September 30, 1931, and had been transported from the State of Colorado into the State of Utah, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a clay, glycerin, and boric acid, perfumed with methyl salicylate.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effect of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (All circulars) "Unsurpassed for * * * congestions * * * chilblains. * * * The medicinal qualities that have always been in Denver mud and have made it the standard household preparation for more than 40 years to banish congestion and inflammation are the same, curative * * * properties * * * A Cold Today May Be Pneumonia Tomorrow. Every Mother's Slogan Should Be When In Doubt Use Medicated Denver Mud;" (additional statements in portion of circulars) "Those who use Denver Mud have little fear of * * * Grippe or Flu."

On February 18, 1932, no claimant having appeared for the property, a decree was entered adjudging the product misbranded and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19198. Misbranding of Lynn's blood remedy. U. S. v. 48½ Dozen Bottles of Lynn's Blood Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26825. I. S. No. 5699. S. No. 4973.)

Examination of samples of Lynn's blood remedy from the shipment herein described showed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for it in the labeling.

On August 1, 1931, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 48½ dozen bottles of Lynn's blood remedy, remaining in the original unbroken packages at Buffalo, N. Y., consigned by S. Pfeiffer Manufacturing Co., alleging that the article had been shipped from St. Louis, Mo., on or about March 21, 1931, and had been transported from the State of Missouri into the State of New York, and charging misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that it consisted essentially of iron and ammonium citrate (1 gram per 100 milliliters), potassium iodide (0.43 gram per 100 milliliters), extracts of plant drugs such as sarsaparilla, senna, and cascara sagrada, and sugar and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling were false and misleading: (Carton label) "Blood Remedy * * * A Reliable Blood Purifier * * * Highly recommended in cases of Impoverished Blood, Rheumatic Affections, Torpid Liver and many forms of Blood and Skin Affections. * * * To Have a Clear Complexion. Pimples, Skin Eruptions, Boils and Carbuncles are caused by an Impoverished Condition of the Blood Stream, Genuine Lynn's Blood Remedy is recommended for the above ailments and has relieved thousands of sufferers. For Rich Red Blood, use Genuine Lynn's Blood Remedy. * * * Rich, Red, Pure Blood Does Not Exist when an anemic condition is Present. If you have an anemic condition of the blood * * * Use Lynn's Blood Remedy;" (bottle label) "Blood Remedy a reliable blood purifier."

The charge recommended by this department, based on its investigation of the product, was that the statements above quoted appearing in the labeling, were false and fraudulent.

On January 7, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19199. Misbranding of Dr. Penor's antiseptic uterine tablets. U. S. v. 117 Packages, et al., of Dr. Penor's Antiseptic Uterine Tablets. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 27394, 27395. I. S. Nos. 47609, 47610. S. Nos. 5544, 5545.)

Examination of a drug product, known as Dr. Penor's antiseptic uterine tablets, from the shipments herein described having shown that the labeling bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Indiana.

On December 22, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 131 packages of Dr. Penor's antiseptic uterine tablets, remaining in the original unbroken packages at Indianapolis, Ind., alleging that the article had been shipped by the Dr. G. D. Stoner Co., from Lakeland, Fla., in part on or about September 22, 1931, and in part on or about November 9, 1931, and had been transported from the State of Florida into the State of Indiana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets consisted essentially of sodium chloride.

It was alleged in the libels that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Uterine Tablets * * * Dr. Penor's Home Treatment for Female Diseases, such as Leucorrhoea or Whites, Inflammation, Ulceration, Congestion and Falling of the Womb, Cancer in earlier stages and all Unnatural Discharges from the Womb and Vagina;" (circular) "Dr. Penor's Uterine Tablets * * * A simple inexpensive home treatment for Female Diseases to be used by yourself in the privacy of your home. The modesty of Women Naturally makes them shrink from the indelicate questions, the exposure and embarrassing examination which some physicians consider essential in the treatment of the disease of women. Yet, (if help can be had, it is better to submit to this ordeal than let the disease grow and spread. The trouble is that so often the women undergo all the annoyance and shame for nothing. Thousands of women who have been cured by our remedy, write in appreciation of the cure, * * * This medicine is guaranteed to perform its work when used strictly according to directions. * * * a positive tonic * * * a remedy some of the most prevalent forms of diseases affecting the pelvic organs of the female. * * * This is a subject that is worthy the attention of the highest order of minds, for the perpetuation of the home, the hope of society, and the foundation of civilization itself depends on the health and vigor of the sex.

The original mental and physical harmony of women has not been maintained. While she has developed intellectually, expanded socially and advanced morally, she has degenerated physically. The universal presence among the sex of numerous complaints that are commonly known by the general term of 'Female Weakness' is a problem that we are sure elicits the attention of all thinking women to-day. * * * Many a woman starts out in life in perfect health, full of hope and with bright prospects. After a while the freshness of health disappears, the complexion becomes sallow, the eye dimmed, sunken, and encircled with dark rings. Severe headaches follow. There is a sense of weight, fullness and bearing down in the lower part of the abdomen. Pains in the back and across the abdomen. Sometimes there is a great soreness in the region of the ovaries, so that even the pressure of clothing causes pain. Bladder difficulties, constipation, piles and leucorrhoea attend the other difficulties. These symptoms are accompanied by nervous depression, the patient is fearful of some still greater trouble, is despondent and in some cases, inclined to hysteria. There is a constant tired feeling and a disinclination to exercise. These are some of the symptoms of Female Weakness, and although they vary in most every case, sometimes all and sometimes only a part being present, yet they indicate one condition—Some Uterine Trouble. In Submitting This Plain Talk to the ladies, we do so with the confidence that if you will read it all carefully without prejudice and take a common sense view of it, you will be convinced that the theories advanced are reasonable and that the manner of the Uterine Tablet treatment is the proper and correct one. With it any lady can treat herself in the privacy of her own home, without the exposure or embarrassment attending treatment by a physician at less than one-tenth the expense, and a trial will easily convince you of its merits. * * * Womb and Its Diseases. Of all of the human body there is none more important to be kept in a healthy condition than the Womb. With a diseased Womb you soon lose all interest in life, become despondent and low spirited; have a tired, languid feeling and wonder why; crying spells with no apparent cause, and then follows Headache, Backache, Bearing Down Pains, Leucorrhoea (or Whites) Soreness of the Ovaries, Frequent and Scalding Urinations, Rectal Irritation, Constipation, producing Piles; then follows Congestion and Enlargement of the Womb, Inflammation of the Womb, Ulceration of the Womb, Cancerous Affection of the Womb, Falling of the Womb forward, backward and downward, produced by undue amount of serum or watery substance in the organ, and this watery substance is a dropsical effusion, causing it to become so engorged and heavy that the ligaments supporting it are no longer able to hold it in place. Now the Womb, in its present inflamed condition, can not throw off this serum, or watery substance, but retains it, adding to its size and weight. The Uterine Tablets remove this by a thorough process of absorption, that is, by drawing this watery substance away. Every application will reduce the size of the womb and in time allow it to regain its normal position and condition. * * * The Uterine Tablets will cause no discomfort when applied unless there is acute Ulceration. If you experience any smarting you will know at once what your trouble is, and we would advise the continuance of the treatment, as our treatment is positively the mildest and greatest healing agent in the world, and will overcome the acuteness of the disease in a few days. Acute Ulcers are nothing more or less than inflamed sores and everyone knows that it is impossible to apply a healing agent to any raw sore without producing a certain degree of discomfort. This smarting is always direct proof that there is Ulceration, hence the more need of the remedy, and the third or fourth treatment will heal them up nicely. In cases of long standing, do not expect one box to cure you, but from four to six boxes have effected cures in the worst cases. * * * At Change of Life. It is a boon to womankind, relieving the organs of all morbid conditions that have been in existence for years. It will prevent so many of the ills that appear at this time, and so strengthen and cleanse the whole organism that long years of perfect health will follow the cessation of the Menses. The Uterine Tablets Should Be Used By Every Woman During This Critical Period. * * * Leucorrhoea (Whites or Catarrh of Vagina or Womb). This affection is generally very proserating in its effects, and no woman affected with this disease can retain her health and good looks for any length of time. This constant drain, if not checked, leads to general uterine derangements; Irritability of Mind, Nervousness, Hysteria, Difficult Respiration, Sterility, Consumption. The Uterine Tablets are unexcelled for this disease, and we have many testimonials from ladies who say

that a single box has permanently cured them after having suffered for years with this distressing disease. Derangements of the Monthly Flow. Suppressed, Painful, Irregular, Profuse or Excessive Menstruation. These are among the most distressing grievances of which women have to complain. A woman who suffers from them spends one-fourth of her time in misery and another fourth recovering from the result of her suffering. The Uterine Tablets will cure these. It will restore to that normal state in which Menstruation is free from pain. It will regulate Irregular, Profuse and Suppressed Menstruation, and will correct the abnormal condition and the troubles will surely disappear. In Cases of Pregnancy. It may be used with benefit up to the seventh month, thereby relieving the Womb of its inflamed and congested condition, consequently relieving the patient of more than one-half the suffering at childbirth. After Childbirth. The use of the Tablets can be commenced after the fourth or sixth week after confinement, and it is a valuable remedy for any trouble resulting from carelessness or imprudence during confinement, Laceration or any injury to the mother during childbirth. Nervousness. Produced by a diseased condition of the Womb is generally indicated by the following symptoms, which are more or less prominent in every case: Nervous and Sick Headache, Backache, Irritation of the Stomach, Spinal Irritation, pain between the shoulders, distressing sensation in the back of the head and numbness and coldness of the extremities. Constipation and Piles. The Womb being enlarged, down and out of place, crowds against the rectum (or back passage) causing Constipation and producing Piles. In hundreds of cases this is the sole cause of Constipation and Piles, and if allowed to go on, much suffering will ensue. Inflammation of the Bladder. Again, when the Womb is down and out of place, it presses against the bladder, causing frequent urination with a burning and scalding sensation; in fact, a diseased Womb is the origin of nearly all the suffering of women. Every application of The Uterine Tablets reduces inflammation and also the size and weight of the Womb, and as the conditions improve it will resume its natural position, all disagreeable symptoms will disappear and good health will follow. Directions.—Every night on retiring, place one of the tablets well up in the vagina as far as the index finger will reach, placing it as near the mouth of the womb as possible where it will slowly dissolve. A warm water injection may be used the next morning in which two of the Tablets have been dissolved in one quart of water. This is not necessary unless there is a profuse discharge from the vagina. As an antiseptic preventative for disease, place one or two of the Tablets well up in the vagina. This will insure complete destruction of any germ present on the surface of the tissues, thus rendering the parts aseptic and safe."

On March 5, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19200. Misbranding of Seven Aids to Health. U. S. v. 4 Dozen Bottles of Seven Aids to Health. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26105. I. S. No. 16466. S. No. 4344.)

Examination of a drug product, known as Seven Aids to Health, from the shipment herein described having shown that the labeling bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Middle District of Tennessee.

On March 30, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of four dozen bottles of Seven Aids to Health, remaining in the original unbroken packages at Franklin, Tenn., alleging that the article had been shipped by the Dunn Medicine Co. (Inc.), from Birmingham, Ala., on or about January 30, 1931, and had been transported from the State of Alabama into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended. On July 20, 1931, on motion of the United States attorney, the libel was amended.

Analysis of a sample by this department showed that the article contained in each 100 milliliters: Magnesium sulphate 27.8 grams, iron and ammonium citrate 0.7 gram, sodium phosphate 0.5 gram, and sodium salicylate 0.1 gram, flavored with saccharin and cassia oil.

It was alleged in the libel as amended that the article was misbranded in that the statements, "Seven Aids to Health * * * For Blood, Kidneys, Stomach, Nerves, Liver, Heart and Bowels * * * For Dysentery, Blood Flux, Cholera or Summer Complaint," regarding the curative and therapeutic effect of the article, appearing on the bottle label, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On November 27, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal

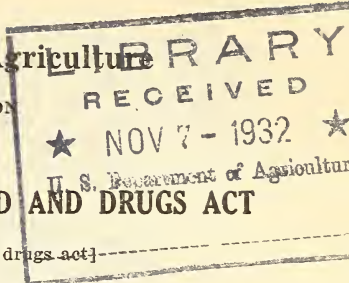
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| Mallinckrodt Chemical Works-- | 19182 | Pyradium: | |
| Merck & Co. (Inc.)----- | 19184 | Radium Remedies Co.----- | 19166 |
| Fayro: | | Renolin: | |
| Atlantic City Sales Co. | | Renolin Co.----- | 19160 |
| (Inc.)----- | 19175 | Rider's household liniment: | |
| Fayro (Inc.)----- | 19163 | Rider, Dr. Haggard----- | 19177 |
| Kells Co.----- | 19155 | Sal-Va-Sena: | |
| Flaxo: | | Millin Drug Co.----- | 19189 |
| Flaxo Co.----- | 19173 | Seven Aids to Health: | |
| Gonolin: | | Dunn Medicine Co. (Inc.)-- | 19180 |
| Lipoidal Laboratories | | Shapley's Derol: | |
| (Inc.)----- | 19151, 19154 | Shapley Drug Co. (Inc.)----- | 19171 |
| Hale's, Dr., household ointment: | | liver tonic: | |
| Kenyon & Thomas Co.----- | 19192 | Shapley Drug Co. (Inc.)----- | 19171 |
| household tea: | | Tonup: | |
| Kenyon & Thomas Co.----- | 19192 | Shapley Drug Co. (Inc.)----- | 19171 |
| Hulbert's Phospho-Nux: | | vegetable prescription: | |
| Hulbert, N. E., & Co.----- | 19178 | Shapley Drug Co. (Inc.)----- | 19171 |
| I-Heal-I-Tone: | | Shults' Infallible ointment: | |
| Shapley Drug Co. (Inc.)----- | 19171 | Shults Ointment Co.----- | 19196 |
| J & J Analgesic: | | veterinary ointment: | |
| Johnson & Johnson----- | 19167 | Shults Ointment Co.----- | 19196 |
| Johnson's American anodyne liniment: | | Spearmint tooth paste: | |
| Chemicals & Drugs (Inc.)-- | 19183 | Wrigley, W. W., Sales Co.-- | 19165 |
| Jones vegetable herb tablets: | | Stock salt, medicated: | |
| Christiani Drug Co.----- | 19186 | National Feeders Corpora- | |
| Klen Dent: | | tion----- | 19179 |
| Klen Dent Co. (Inc.)----- | 19164 | Teethina: | |
| Kojene: | | Moffett, C. J., Medicine Co-- | 19185 |
| Kojene Products Corporation-- | 19187 | Unguentum Camphoratum: | |
| Lambert's powders: | | Shapley Drug Co. (Inc.)----- | 19171 |
| Lambert's (Inc.)----- | 19169 | Walker's Old Indian health tonic: | |
| Luesol: | | Walker Medicine Co.----- | 19162 |
| Lipoidal Laboratories (Inc.)-- | 19151 | Wesson's, Old Dr., Angel of Peace | |
| Lynn's blood remedy: | | and Solace of Life: | |
| Pfeiffer, S., Manufacturing | | Brewer & Co. (Inc.)----- | 19176 |
| Co.----- | 19198 | Children's Comfort: | |
| Magnesia, solution citrate: | | Brewer & Co. (Inc.)----- | 19176 |
| Citro-Nesia Co. (Inc.)----- | 19190 | Wilson's, B. O. and G. C., neuro- | |
| | | pathic drops: | |
| | | Winsol (Inc.)----- | 19195 |

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION



NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

19201-19350

[Approved by the Secretary of Agriculture, Washington, D. C., October 17, 1932]

19201. Adulteration of canned salmon. U. S. v. 500 Cases, et al., of Canned Salmon. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 27005, 27019, 27104. I. S. Nos. 22961, 22963, 12618. S. Nos. 5222, 5242, 5348.)

Samples of salmon from the shipments herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Oregon.

On September 28, September 30, and October 22, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 1,029 cases of canned salmon, remaining in the original unbroken packages in part at Astoria, Oreg., and in part at Portland, Oreg., alleging that the article had been shipped on or about September 12 and October 2, 1931, by the Altoona Packing Co., from Altoona, Wash., and had been transported in interstate commerce from the State of Washington into the State of Oregon, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: (Cans) "Odiva Fancy Columbia River Salmon * * * Packed by Altoona Packing Co., Altoona, Washington." The remainder was labeled in part: (Cans) "Altoona Brand Salmon * * * Selected Fancy Columbia River Chinook Salmon."

It was alleged in the libels that the article was adulterated in that it consisted in part of a decomposed animal substance.

On February 29, 1932, the Altoona Packing Co., claimant, having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant, upon payment of costs and the execution of bonds totaling \$8,250, conditioned that the adulterated portion be separated from the portion that was not adulterated and that it should not be sold or disposed of contrary to the Federal food and drugs act and other existing laws. The decrees further provided for the destruction of the portion of the article containing decomposed salmon.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19202. Adulteration of tullibeas. U. S. v. 218 Boxes of Tullibeas. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27850. I. S. No. 35022. S. No. 5060.)

Samples of tullibeas from the shipment herein described having been found to be infested with worms and unfit for food, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On August 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 218 boxes of tullibeas at Chicago, Ill., alleging that the article had been shipped by the W. J. Guest Co. (Ltd.), from Winnipeg, Manitoba, in the Dominion of Canada, on or about August 4, 1931, and had been transported from Canada into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of a portion of an animal unfit for food.

On February 11, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19203. Adulteration and misbranding of scallops. U. S. v. Sydney Frank Smith (Cape Charles Sea Food Co.; S. F. Smith & Co.). Plea of guilty. Fine, \$150. Sentence suspended. (F. & D. No. 26689. I. S. Nos. 15781, 28966.)

Samples of scallops from the shipments herein described having been found to contain excessive water, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On November 13, 1931, the United States attorney filed in the District Court of the United States of the district aforesaid an information against Sydney Frank Smith, trading as Cape Charles Sea Food Co., Oyster, Va., and as S. F. Smith & Co., Cape Charles, Va., alleging shipments by said defendant in violation of the food and drugs act, in part on or about January 23, 1931, from the State of Virginia into the State of Massachusetts, and in part on or about March 3, 1931, from the State of Virginia into the State of New York, of quantities of scallops that were adulterated, and a portion of which were also misbranded. One consignment of the article was labeled: (Tag and can) "Scallops."

Adulteration was alleged in the information for the reason that excessive water had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that scallop solids, a valuable constituent of the article, had been in part abstracted.

Misbranding was alleged with respect to a portion of the article for the reason that the statement "Scallops," borne on the can and on the tag, was false and misleading in that the said statement represented that the article consisted wholly of scallops; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of scallops; whereas it did not so consist but did consist in part of excessive water. Misbranding of the said portion was alleged for the further reason that the article was composed in part of excessive water and was offered for sale and sold under the distinctive name of another article, to wit, scallops.

On November 16, 1931, the defendant entered a plea of guilty to the information and the court imposed a fine of \$150, which fine was suspended for two years.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19204. Misbranding of canned peas. U. S. v. 998 Cases of Peas. Decree of condemnation and forfeiture. Product released under bond for relabeling. (F. & D. No. 27003. I. S. No. 44176. S. No. 5206.)

Examination of samples of canned peas from the shipment herein described having shown that the article contained an excessive proportion of hard peas, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Wisconsin.

On September 28, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 998 cases of canned peas, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped on or about July 21, 1931, by the Wabash Canning Corporation, from Wabash, Ind., and had been transported in interstate commerce from the State of Indiana into the State of Wisconsin, and charging misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality promulgated by the Secretary of Agriculture for such canned food, in that it contained an excess of hard peas and the package did not bear a plain and conspicuous statement as prescribed by the Secretary of Agriculture indicating that such product fell below such standard.

On October 29, 1931, the Wabash Canning Corporation, claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered. The court having found that the product might be relabeled in such manner as to render it not in violation of the law, ordered that it be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or disposed of contrary to the provisions of the food and drugs act or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19205. Adulteration and misbranding of canned sliced mushrooms. U. S. v. 40 Cases of Sliced Mushrooms. Default decree of destruction. (F. & D. No. 26709. I. S. No. 25270. S. No. 4832.)

Examination of samples of sliced mushrooms from the shipment herein described having shown that the article contained excessive stems and was short weight, the Secretary of Agriculture reported the matter to the United States attorney for the District of Minnesota.

On June 26, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 40 cases of sliced mushrooms, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped on or about April 20, 1931, by Von Bremen-Asche de Bruyn (Inc.), from Wilmington, Del., and had been transported in interstate commerce from the State of Delaware into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Case) "8 Oz. Net Forest-Inn Sliced Mushrooms;" (cans) "Forest-Inn Sliced Mushrooms * * * Sole Distributors Von Bremen-Asche-de Bruyn, Inc. New York."

It was alleged in the libel that the article was adulterated in that excessive stems had been substituted in part for the article.

Misbranding was alleged for the reason that the statement, "8 Oz. Sliced Mushrooms," appearing on the shipping case, and the statements, "Sliced Mushrooms * * * Cultivated Mushrooms * * * Contents 15 Oz. Drained Weight of Mushrooms 8 Oz. * * * These mushrooms * * * Forest-Inn Mushrooms * * * We guarantee them to be * * * of exceptionally high quality," and the design of a mushroom, appearing on the can label, were false and misleading, and deceived and misled the purchaser when applied to mushrooms containing an excessive amount of stems and which were short of the declared contents and of the declared drained weight. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously declared on the outside of the package, since the statement made was not correct.

On October 22, 1931, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19206. Adulteration of butter. U. S. v. 11 Tubs of Butter. Default decree of condemnation and forfeiture. Product delivered to charitable institutions. (F. & D. No. 27149. I. S. No. 39758. S. No. 5299.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On October 2, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on September 21, 1931, by the Farmers Cooperative Creamery Co., from Hector, Minn., and had been transported from the State of Minnesota into the State of New York, and charging adulteration in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by act of March 4, 1923.

On November 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to charitable institutions for consumption and not for sale.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19207. Adulteration of scallops. U. S. v. Ralph V. Bowen (Ralph Bowen). Plea of guilty. Fine, \$50. Sentence suspended. (F. & D. No. 25732. I. S. No. 20318.)

Samples of scallops from the shipment herein described having been found to contain added water, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On October 17, 1931, the United States attorney filed in the District Court of the United States of the district aforesaid an information against Ralph V. Bowen, trading as Ralph Bowen, Broadwater, Va., alleging shipment by said defendant in violation of the food and drugs act, on or about January 29, 1931, from the State of Virginia into the State of New York, of a quantity of scallops that were adulterated.

Adulteration was alleged in the information in that an added substance, water, had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that scallop solids, a valuable constituent of the article, had been in part abstracted.

On November 16, 1931, the defendant entered a plea of guilty to the information and the court imposed a fine of \$50, which fine was suspended for two years.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19208. Adulteration of canned salmon. U. S. v. Ingolfur Iwersen (Iwersen Packing Co.). Plea of guilty. Fine, \$50. (F. & D. No. 26603. I. S. Nos. 1087, 1089, 1091.)

Samples of canned salmon from the shipments herein described having been found to be tainted or stale, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On October 23, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Ingolfur Iwersen, trading as the Iwersen Packing Co., at Seattle, Wash., alleging shipment by said defendant in violation of the food and drugs act, in part on or about August 20, 1930, and in part on or about August 26, 1930, from Alaska into the State of Washington, of quantities of canned salmon that was adulterated. Various portions of the article were labeled in part: (Can) "Live Wire Brand Alaska Pink Salmon;" "Request Pink Salmon;" or "Heron Brand Pink Salmon." A portion of the article was contained in unlabeled cans shipped in cases labeled in part: "Eat More Salmon."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed and putrid animal substance.

On November 16, 1931, the defendant entered a plea of guilty to the information and the court imposed a fine of \$50.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19209. Adulteration of apples. U. S. v. 1 Car of Apples. Default decree of destruction entered. (F. & D. No. 27062. I. S. No. 24356. S. No. 5306.)

Lead arsenate having been found on a sample of apples taken from the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Alabama.

On October 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one car of apples remaining unsold at Mobile, Ala., alleging that the article had been shipped by C. B. Heaton & Son, on or about September 29, 1931, from Ozark, Ill., and had been transported from the State of Illinois into the State of Alabama, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous and deleterious ingredient, namely, arsenate of lead, which might have rendered it injurious to health.

On November 7, 1931, no claimant having appeared for the property, and the court having been requested to order destruction of the product in view of its spoiled condition, judgment was entered ordering its immediate destruction by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19210. Adulteration of butter. U. S. v. Prairie River Cooperative Dairy Co. Plea of guilty. Fine, \$50. (F. & D. No. 25719. I. S. No. 13712.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Wisconsin.

On June 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Prairie River Cooperative Dairy Co., a corporation, Gleason, Wis., alleging shipment by said company in violation of the food and drugs act, on or about October 20, 1930, from the State of Wisconsin into the State of Illinois, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product which contained less than 80 per cent of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923, which the said article purported to be.

On August 13, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19211. Adulteration and misbranding of scallops. U. S. v. H. Allen Smith (H. Allen Smith & Co.). Plea of guilty. Fine, \$100. Sentence suspended. (F. & D. No. 26588. I. S. Nos. 28967, 28968, 28974.)

Samples of scallops from the shipments herein described having been found to contain excessive water, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On October 17, 1931, the United States attorney filed in the District Court of the United States of the district aforesaid an information against H. Allen Smith, trading as H. Allen Smith & Co., Cheriton, Va., alleging shipments by said defendant in violation of the food and drugs act, in various consignments, on or about March 3, 1931 and March 5, 1931, from the State of Virginia into the State of New York, of quantities of scallops that were adulterated and misbranded. A portion of the article was labeled: (Can) "Scallops."

Adulteration was alleged in the information that a substance, excessive water, had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that scallop solids, a valuable constituent of the article, had been in part abstracted.

Misbranding was alleged for the reason that the article was composed in part of excessive water and was deficient in scallop solids, and was offered for sale and sold under the distinctive name of another article, to wit, scallops. Misbranding was alleged with respect to a portion of the article for the further reason that the statement, "Scallops," borne on the can containing the said portion, was false and misleading in that the said statement represented that the article consisted wholly of scallops; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of scallops; whereas it did not so consist, but did consist in part of excessive water.

On November 16, 1931, the defendant entered a plea of guilty to the information and the court imposed a fine of \$100, which fine was suspended for two years.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19212. Adulteration and misbranding of scallops. U. S. v. Preston Lowe. Plea of guilty. Fine, \$150. Sentence suspended. (F. & D. No. 26589. I. S. Nos. 15416, 15758, 15779, 20301, 20303, 20308, 20311, 20312, 20317, 20321, 20322.)

Samples of scallops from the shipments herein described having been found to contain excessive water, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On October 17, 1931, the United States attorney filed in the District Court of the United States of the district aforesaid an information against Preston Lowe, Oyster, Va., alleging shipment by said defendant in violation of the food and drugs act, in various consignments, on or about December 13, 1930, January 22, January 27, January 28, January 29, February 24, and February 26, 1931, from the State of Virginia into the State of New York, and on or about January 22 and January 23, 1931, from the State of Virginia into the State of Massachusetts, of quantities of scallops that were adulterated and misbranded. The article was labeled in part: (Cans) "Scallops."

Adulteration was alleged in the information for the reason that a substance, excessive water, had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that scallop solids, a valuable constituent of the article, had been in part abstracted.

Misbranding was alleged for the reason that the statement, "Scallops," borne on the can containing the article, was false and misleading in that the said statement represented that the article consisted wholly of scallops; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of scallops; whereas it did not so consist but did consist in part of excessive water. Misbranding was alleged for the further reason that the article was composed in part of excessive water and was deficient in scallop solids, and was offered for sale and sold under the distinctive name of another article, to wit, scallops.

On November 19, 1931, the defendant entered a plea of guilty to the information and the court imposed a fine of \$150, which fine was suspended for two years.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19213. Misbranding of butter. U. S. v. Richmond Cooperative Association (Inc.). Plea of guilty. Fine, \$10. (F. & D. No. 25731. I. S. No. 5572.)

Samples of butter from the shipment herein described having been found short of the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the District of Vermont.

On July 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Richmond Cooperative Association (Inc.), Richmond, Vt., alleging shipment by said defendant in violation of the food and drugs act as amended, on or about July 29, 1930, from the State of Vermont into the State of Massachusetts, of a quantity of butter that was misbranded. The article was labeled in part: "Pure Creamery Butter Richmond Cooperative Association Inc. Hump Brand Richmond, Vermont * * * 16 Ounces Net Weight."

Misbranding was alleged in the information for the reason that the statement "16 Ounces Net Weight," borne on the packages containing the article, was false and misleading in that the said statement represented that the packages each contained 16 ounces of butter; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said packages each contained 16 ounces of butter; whereas they did not contain 16 ounces but did contain in each package, with one exception, less than 16 ounces. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 12, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19214. Adulteration of scallops. U. S. v. Ufford W. Hine. Plea of guilty. Fine, \$100. Sentence suspended. (F. & D. No. 26583. I. S. Nos. 28957, 28969.)

Samples of scallops from the shipments herein described having been found to contain excessive water, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On October 17, 1931, the United States attorney filed in the District Court of the United States of the district aforesaid an information against Ufford W. Hine, Cape Charles, Va., alleging shipment by said defendant in violation of the food and drugs act, in part on or about February 23, 1931, and in part on

or about March 4, 1931, from the State of Virginia into the State of New York, of quantities of scallops that were adulterated.

Adulteration was alleged in the information for the reason that a substance, excessive water, had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that scallop solids, a valuable constituent of the article, had been in part abstracted.

On November 16, 1931, the defendant entered a plea of guilty to the information and the court imposed a fine of \$100, which fine was suspended for two years.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19215. Adulteration of butter. U. S. v. 300 Tubs, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond, to be reworked. (F. & D. No. 27116. I. S. Nos. 36429, 36430. S. No. 5178.)

Samples of butter from the shipments herein described having been found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On August 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 600 tubs of butter, remaining in the original unbroken packages at Cincinnati, Ohio, consigned in part on or about July 13, 1931, and in part on or about August 8, 1931, alleging that the article had been shipped by the Merchants Creamery Co., from Springfield, Mo., and had been transported in interstate commerce from the State of Missouri into the State of Ohio, and charging adulteration in violation of the food and drugs act as amended.

It was alleged in the libels that the article was adulterated in that a product deficient in milk fat had been substituted for butter, which the said article purported to be. Adulteration was alleged for the further reason that the article contained less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923.

On October 28, 1931, the Merchants Creamery Co., claimant, having admitted the allegations of the libels and having consented to the entry of decrees and the court having found that a total of 30 tubs of the product were adulterated, judgment was entered condemning and forfeiting the said 30 tubs, and it was ordered by the court that they be released for reworking under the supervision of this department, upon payment of costs and the execution of bonds totaling \$1,200, conditioned in part that they should not be sold or disposed of contrary to the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19216. Misbranding of black pepper and mustard. U. S. v. 54 Dozen Cans of Black Pepper and 60 Dozen Cans of Mustard. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 26241, 26242. I. S. Nos. 22116, 22119. S. No. 4560.)

Samples of black pepper and mustard from the shipment herein described having been found to be short weight, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On April 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 54 dozen cans of black pepper and 60 dozen cans of mustard, remaining in the original unbroken packages at Oakland, Calif., alleging that the articles had been shipped on or about January 8, 1931, by the W. T. Rawleigh Co., from Freeport, Ill., and had been transported in interstate commerce from the State of Illinois into the State of California, and charging misbranding in violation of the food and drugs act as amended. The articles were labeled in part: (Cans of pepper) "Net Weight 3 1/4 Oz. Rawleigh's Pure Granulated Pepper * * * W. T. Rawleigh Co., Freeport, Ill.;" (cans of mustard) "Net Weight 3 Oz. Rawleigh's Pure Mustard."

It was alleged in the libel that the articles were misbranded in that the statements, "Net Weight, 3 1/4 Oz." on the cans containing the pepper, and "Net Weight 3 Oz." on the cans containing the mustard, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the fur-

ther reason that the articles were food in package form and failed to bear a plain and conspicuous statement of the quantity of contents, since the quantities stated were incorrect.

On December 30, 1931, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19217. Adulteration of dried split prunes. U. S. v. 16 Boxes, More or Less, of Dried Split Prunes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27261. I. S. No. 42831. S. No. 5428.)

Samples of dried split prunes from the shipment herein described having been found to be insect-infested, moldy, and dirty, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On November 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 16 boxes, more or less, of dried split prunes at Philadelphia, Pa., alleging that the article had been shipped on or about October 13, 1931, from Chillicothe, Ohio, and had been transported in interstate commerce from the State of Ohio into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part : "50 Lbs. Net * * * California Split Prunes."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy and decomposed vegetable substance.

On December 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19218. Adulteration of dressed chickens. U. S. v. 18 Barrels of Dressed Chickens. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27264. I. S. No. 44032. S. No. 5441.)

Fowls with defects consisting of bruised breasts, broken legs, rupture, drained abscesses, and skin growths, which rendered them unfit for food, having been found in the shipment of dressed chickens herein described, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about November 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 18 barrels of dressed chickens at Chicago, Ill., alleging that the article had been shipped on or about October 30, 1931, by Peter Fox & Sons, from Hopkinsville, Ky., and had been transported from the State of Kentucky into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of portions of animals unfit for food, for the further reason that it consisted in part of the product of diseased animals, and for the further reason that it consisted in part of a decomposed animal substance.

On December 10, 1931, the Peter Fox & Sons Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for salvaging under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or disposed of contrary to the provisions of the food and drugs act or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19219. Adulteration of vinegar. U. S. v. 2,700 Gallons of Vinegar. Default decree of destruction. (F. & D. No. 27245. I. S. No. 31513. S. No. 5387.)

Samples of vinegar from the shipment herein described having been found to contain arsenic and lead, the Secretary of Agriculture reported the matter to the United States attorney for the District of Utah.

On November 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and

condemnation of 2,700 gallons of vinegar at Ogden, Utah, alleging that the article had been shipped by the Idaho Vinegar & Cider Co., from Payette, Idaho, on or about August 3, 1931, and had been transported in interstate commerce from the State of Idaho into the State of Utah, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, to wit, arsenic and lead, which might have rendered it injurious to health.

On February 18, 1932, no claimant having appeared for the property, judgment was entered finding the product adulterated and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19220. Adulteration of butter. U. S. v. 11 Tubs of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 27959. I. S. No. 5388. S. No. 5980.)

Examination of samples of butter from the shipment herein described having shown that the product contained less than 80 per cent by weight of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On March 12, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 tubs of butter at New York, N. Y., alleging that the article had been shipped on or about March 3, 1932, by Plainview Farmers Cooperative Creamery, from Plainview, Nebr., and had been transported in interstate commerce from the State of Nebraska into the State of New York, and charging adulteration in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated in that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by the act of March 4, 1923.

The Plainview Farmers Cooperative Creamery Co., Plainview, Nebr., interposed a claim for the product and admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 per cent of milk fat. On March 17, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the said claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it be reworked so that it comply with the law, and that it should not be disposed of until examined and released by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19221. Adulteration and misbranding of sweetened condensed milk. U. S. v. 7 Barrels of Sweetened Condensed Milk. Consent decree of condemnation and forfeiture. Product released under bond for relabeling. (F. & D. No. 26873. I. S. No. 37356. S. No. 5040.)

Samples of sweetened condensed milk from the shipment herein described having been found to be deficient in milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On August 15, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 7 barrels of sweetened condensed milk at Dayton, Ohio, alleging that the article had been shipped on or about June 29, 1931, by Sunshine Farms, Lafayette, Ind., and had been transported in interstate commerce from the State of Indiana into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "For Sherman White, Dayton, Ohio, Sunshine Farms, from Indiana Service Corporation, Fort Wayne, Indiana."

It was alleged in the libel that the article was adulterated in that a substance, to wit, sweetened condensed skimmed milk containing practically no milk fat, had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength; and for the further reason that sweetened condensed skimmed milk, deficient in milk fat and containing no appreciable amount of milk fat, had been substituted for sweetened condensed whole milk which the said article purported to be. Adulteration was alleged for the further reason that milk fat, a valuable constituent of the article, had been almost wholly abstracted therefrom.

Misbranding was alleged for the reason that the product was an imitation of and was offered for sale under the distinctive name of another article, to wit, condensed whole milk sweetened.

On November 14, 1931, Sherman White & Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be relabeled, "Sweetened condensed skim milk," under the supervision of this department and disposed of in conformity with the Federal food and drugs act. The decree further provided that the product might be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned in part that it should not be sold or disposed of contrary to the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19222. Adulteration and misbranding of grape flavoring sirup. U. S. v. 44 Gallons of Grape Flavoring Sirup. Decree releasing product to be relabeled. (F. & D. No. 26812. I. S. No. 22673. S. No. 4985.)

Examination of samples of sirup from the shipment herein described having shown the product to be an artificially flavored and colored imitation grape concentrate, the Secretary of Agriculture reported the matter to the United States attorney for the District of Utah.

On July 29, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 44 gallons of grape flavoring sirup, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped on or about June 12, 1931, by the Joe Lowe Corporation, from Los Angeles, Calif., and had been transported in interstate commerce from the State of California into the State of Utah, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Cases) "Syrup Grape;" (jugs) "Popsicle * * * Grape Concentrate Artificial Color * * * The Popsicle Corporation of the United States—represented by two exclusive agents, Joe Lowe Corporation, Bush Terminal Bldg., No. 8, Brooklyn, N. Y."

It was alleged in the libel that the article was adulterated in that a substance, an imitation grape concentrate, artificially colored and flavored and containing but a slight trace, if any, of grape juice or flavor, had been substituted for the real article; adulteration was alleged for the further reason that the article was mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements, "Grape Concentrate" and "Syrup Grape," were false and misleading and deceived and misled the purchaser; and in that the article was an imitation of and was offered for sale under the distinctive name of another article.

On August 18, 1931, the Joe Lowe Corporation, Brooklyn, N. Y., appeared and filed a claim and answer, admitting the allegations of the libel and praying release of the product, and deposited a cash bond in the sum of \$440. On August 20, 1931, the court entered an order releasing the product to the claimant, to be relabeled in conformity with the law, said relabeling to be done under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19223. Adulteration and misbranding of scallops. U. S. v. Charles C. Hine (C. C. Hine). Plea of guilty. Fine, \$100. Sentence suspended. (F. & D. No. 26610. I. S. Nos. 28960, 28964.)

Samples of scallops from the shipments herein described having been found to contain added water, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On October 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Charles C. Hine, trading as C. C. Hine, at Cape Charles, Va., alleging shipment by said defendant in violation of the food and drugs act, in part on or about February 27, 1931, and in part on or about February 28, 1931, from the State of Virginia into the State of New York, of a quantity of scallops that were adulterated and misbranded.

Adulteration was alleged in the information in that an added substance, water, had been mixed and packed with the article so as to reduce and lower

and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that scallop solids, a valuable constituent of the article, had been in part abstracted.

Misbranding was alleged for the reason that the article was composed in part of added, undeclared water and was offered for sale under the distinctive name of another article, to wit, scallops.

On November 16, 1931, the defendant entered a plea of guilty to the information and the court imposed a fine of \$100, which fine was suspended for two years.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19224. Adulteration and misbranding of scallops. U. S. v. Emory J. Steelman. Plea of guilty. Fine, \$50. Sentence suspended. (F. & D. No. 26571. I. S. Nos. 9859, 15778, 15799.)

Samples of scallops from the shipments herein described having been found to contain excessive water, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On October 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Emory J. Steelman, Townsend, Va., alleging shipments by said defendant in violation of the food and drugs act, in various consignments, on or about January 20, 1931, February 25, 1931, and February 26, 1931, from the State of Virginia, in part into the State of Maryland and in part into the State of Massachusetts, of quantities of scallops that were adulterated, and portions of which were also misbranded. Portions of the article were labeled in part: "Scallops."

Adulteration was alleged in the information for the reason that a substance, excessive water, had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article had been in part abstracted.

Misbranding was alleged with respect to portions of the article for the reason that the statement, "Scallops," borne on tags attached to the cans containing the article, was false and misleading in that the said statement represented that the article consisted wholly of scallops; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of scallops, whereas it did not so consist but did consist in part of excessive water.

On November 16, 1931, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50, which fine was suspended for two years.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19225. Adulteration of bluefins. U. S. v. 9 Boxes, et al., of Bluefins. Consent decree of condemnation and destruction. (F. & D. No. 27918. I. S. Nos. 43320, 43321. S. No. 5965.)

Samples of bluefins from the shipments herein described having been found to be infested with worms and unfit for food, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On March 15, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 24 boxes of bluefins at Pittsburgh, Pa., alleging that the article had been shipped in part on or about March 12, 1932, and in part on or about March 13, 1932, by North Shore Fish & Freight Co., from Duluth, Minn., and had been transported in interstate commerce from the State of Minnesota into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Bluefins 100 Lbs."

It was alleged in the libel that the article was adulterated in that the product consisted wholly or in part of a filthy, decomposed, or putrid animal substance, and in that it was a portion of an animal unfit for food.

On March 16, 1932, by consent of the claimant, judgment was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19226. Adulteration and misbranding of butter. U. S. v. 10 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27958. I. S. No. 22649. S. No. 5950.)

Examination of samples of butter from the shipment herein described having shown that the product contained less than 80 per cent by weight of milk fat, and that the labeling bore no statement as to the quantity of contents, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On March 4, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped on or about February 29, 1932, by the Springfield Creamery Co. (Inc.), from Springfield, Oreg., and had been transported in interstate commerce from the State of Oregon into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by law.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 9, 1932, the Springfield Creamery Co. (Inc.), Springfield, Oreg., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant, upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it should not be sold or disposed of contrary to the provisions of the food and drugs act, or to the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19227. Adulteration of canned prunes. U. S. v. 64 Cases of Canned Prunes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25954. I. S. No. 16471. S. No. 4214.)

Samples of canned prunes from the shipment herein described having been found to be partly decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Middle District of Tennessee.

On February 25, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 64 cases of canned prunes, remaining in the original unbroken packages at Nashville, Tenn., alleging that the article had been shipped by the Western Oregon Packing Corporation, Corvallis, Oreg., on or about October 17, 1930, and had been transported from the State of Oregon into the State of Tennessee, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Mountainview Brand Fresh Oregon Prunes, Packed by Western Oregon Packing Corp., Corvallis, Oregon."

It was alleged in substance in the libel that the article was adulterated in violation of section 7, paragraph 6, under food of the said act, in that it was partly decomposed.

On October 12, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19228. Adulteration of dried figs. U. S. v. 40 Boxes of Dried Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27185. I. S. No. 271. S. No. 5356.)

Samples of dried figs from the shipment herein described having been found to be moldy, sour, and insect-infested, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On October 28, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and

condemnation of 40 boxes of dried figs, remaining in the original unbroken packages at Tacoma, Wash., alleging that the article had been shipped on or about October 20, 1931, by the California Packing Corporation, from Alameda, Calif., and had been transported in interstate commerce from the State of California into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Fairmont Brand Adriatic Figs Packed for Tacoma Grocery Co., Tacoma, Wash."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On December 28, 1931, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19229. Adulteration and misbranding of canned tomatoes. U. S. v. 22 Cases of Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25460. I. S. No. 4974. S. No. 3666.)

Samples of canned tomatoes from the shipment herein described having been found to contain added cyclone juice, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On December 8, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 22 cases of canned tomatoes at Boston, Mass., alleging that the article had been shipped by W. E. Robinson & Co., from Federalsburg, Md., on or about August 26, 1930, and had been transported from the State of Maryland into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Robinson Brand Tomatoes * * * Tomatoes Packed for W. E. Robinson & Co., Belair, Md. [Cut of red, ripe tomatoes]."

It was alleged in the libel that the article was adulterated in that tomato puree, pulp, or juice had been mixed and packed therewith so as to reduce and lower its quality and strength, and had been substituted in part for tomatoes, which the said article purported to be.

Misbranding was alleged for the reason that the statement "Tomatoes" and the design of red, ripe tomatoes, appearing on the label, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On September 21, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19230. Misbranding of canned tomato juice. U. S. v. 570 Cases of Canned Tomato Juice. Decree of condemnation and forfeiture. Product released under bond for relabeling. (F. & D. No. 27329. I. S. No. 38917. S. No. 5506.)

Samples of canned tomato juice from the shipment herein described having been found to be short of the volume declared on the container, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On December 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 570 cases of canned tomato juice, remaining in the original and unbroken packages at Boston, Mass., alleging that the article had been shipped on or about October 17, 1931, by Edgar F. Hurff, from Swedesboro, N. J., and had been transported in interstate commerce from the State of New Jersey into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Hatchet Brand Pure Tomato Juice * * * Contents 1 Pint 3 Fl. Oz. * * * The Twitchell-Champlin Co., Distributors, Portland, Maine, and Boston, Mass."

It was alleged in the libel that the article was misbranded in that the statement on the can label, "Contents 1 Pint 3 Fl. Oz.," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the fur-

ther reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On December 7, 1931, the Twitchell-Champlin Co., Boston, Mass., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be released to the said claimant, upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or disposed of contrary to the Federal food and drugs act, or the laws of any State, Territory, district, or insular possession. It was further ordered by the court that the containers be relabeled, under the supervision of this department, with a correct statement of the quantity of the contents.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19231. Adulteration and misbranding of tomato catsup. U. S. v. 114 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27247. I. S. No. 42112. S. No. 5419.)

Samples of tomato catsup from the shipment herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On November 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 114 cases of tomato catsup, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by Greenabaum Bros. (Inc.), from Seaford, Del., on or about October 31, 1931, into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Ribbon Brand Tomato Catsup Guaranteed Pure and to Comply with all U. S. Food Laws. * * * Distributed by Frey & Son Inc., Baltimore, Md."

It was alleged in the libel that the article was adulterated in that it consisted in large part of a decomposed vegetable substance.

Misbranding was alleged for the reason that the statement, "Guaranteed Pure and to comply with all U. S. Food Laws," was false and misleading and deceived and misled the purchaser.

On December 30, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19232. Adulteration of butter. U. S. v. Fifty-two 32-Pound Boxes, et al., of Butter. Decrees of condemnation entered. Product released under bond. (F. & D. Nos. 27886, 27887. I. S. Nos. 41026, 44920. S. Nos. 5592, 5628.)

Samples of butter from shipments herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the District of Minnesota.

On December 3 and December 9, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of one hundred and eleven 32-pound boxes and 52 pounds of butter, remaining in the original and unbroken packages at Duluth, Minn., alleging that the article had been shipped, in part on or about November 10, 1931, and in part on or about November 18, 1931, by the Aneta Creamery & Produce Co., from Aneta, N. Dak., and had been transported in interstate commerce from the State of North Dakota into the State of Minnesota, and charging adulteration in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Swift's Premium Quality Brookfield Pasteurized Creamery Butter."

It was alleged in the libels that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by the act of March 4, 1923.

On December 7 and December 11, 1931, Aneta Creamery & Produce Co., claimant, having appeared and filed answers to the libels, judgments of condemnation were entered, and it was ordered by the court that the product be delivered to claimant for reworking, under the supervision of this department,

upon payment of costs and the execution of bonds in the sum of \$1,200, conditioned in part that it should not be sold or disposed of contrary to the provisions of the food and drugs act, or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19233. Adulteration of tomato puree. U. S. v. 32 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26725-a. I. S. No. 11815. S. No. 4876.)

Samples of tomato puree from the shipment herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On July 22, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 32 cases of tomato puree, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped on or about April 8, 1931, by the Pleasant Grove Canning Co., from Pleasant Grove, Utah, and had been transported in interstate commerce from the State of Utah into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Fresh Ripe, Brand Tomato Puree Packed for Pacific Wholesale Grocery Company, Los Angeles."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On January 23, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19234. Misbranding of tomato paste. U. S. v. 15,250 Cans, et al., of Tomato Paste. Product ordered released under bond. (F. & D. Nos. 26134, 26135. I. S. Nos. 17514, 17515. S. No. 4446.)

Sample cans of tomato paste from the shipment herein described having been found to contain less than the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Texas.

On April 28, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 24,750 cans of tomato paste, remaining in the original packages at Houston, Tex., alleging that the article had been shipped by F. G. Favaloro Sons (Inc.), from Georgetown, Miss., on or about June 18, 1930, and had been transported from the State of Mississippi into the State of Texas, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Net Contents 5 Oz. Indian Girl Brand Color Added Tomato Paste Salsa Di Pomodoro Packed by F. G. Favaloro Sons, Inc., Packed in Georgetown, Miss."

It was alleged in the libels that the article was misbranded in that the statement "Net Contents 5 Oz.," borne on the label, deceived and misled the purchaser as to the correct weight of the contents of the said cans, since the average net weight of the contents of the cans was less than 5 ounces. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the can label bore the statement "Net Contents 5 Oz.," whereas the average weight of the contents of the said cans was less than 5 ounces.

The F. G. Favaloro Sons (Inc.), New Orleans, La., entered an appearance and filed motions to quash the libels, which motions were argued on June 6, 1931, and taken under advisement by the court. On November 2, 1931, the court having overruled the motions to quash, decrees were entered finding the material allegations of the libels to be true and ordering that the product be released to the claimant upon payment of costs and the execution of bonds totaling \$1,200, conditioned in part that it should not be sold or otherwise disposed of contrary to the laws of the United States or of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19235. Misbranding of cottonseed screenings. U. S. v. Cooper Cotton Oil Co. Plea of guilty. Fine, \$50. (F. & D. No. 25713. I. S. No. 18301.)

Sample sacks of cottonseed screenings from the shipment herein described having been found to contain less than the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Texas.

On April 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Cooper Cotton Oil Co., a corporation, Cooper, Tex., alleging shipment by said company in violation of the food and drugs act as amended, on or about June 26, 1930, from the State of Texas into the State of Kansas, of a quantity of cottonseed screenings which were misbranded. The article was labeled in part: "100 Pounds Net 'Chickasha Prime' (Composed of Cottonseed Only) * * * Manufactured by or for Chickasha Cotton Oil Company Chickasha, Oklahoma."

It was alleged in the information that the article was misbranded in that the statement "100 Pounds Net," borne on the tags attached to the sacks containing the article, was false and misleading in that the said statement represented that the sacks each contained 100 pounds of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the sacks each contained 100 pounds of the article, whereas the said sacks did not each contain 100 pounds of the said article, but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the sacks contained less than represented.

On December 14, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19236. Alleged adulteration and misbranding of Capon Springs water. U. S. v 94 Half-Gallon Bottles, et al., of Capon Springs Water. Tried to the court. Libels ordered dismissed and product restored to claimant. (F. & D. Nos. 22406, 23209. I. S. Nos. 20264-x, 03231. S. Nos. 501, 1318.)

These cases involved the interstate shipment of two lots of Capon Springs water contained in 5-gallon and half-gallon bottles. Examination of the article showed presence of nitrites, and of organisms of the colon-aerogenes group (*B. coli*) in small quantities of the samples. The labels of the half-gallon bottles bore the words "'Ca-Ca-Paon' Healing Water." The Secretary of Agriculture reported to the United States attorney for the Eastern District of Pennsylvania, in whose district the goods were located, the results of the examinations and requested seizure of the product for violation of the law; since the samples examined failed to meet the standard of purity established by the United States Public Health Service; and since the word "Healing," appearing on the label taken in conjunction with certain collateral advertising introduced in evidence at the trial, was deemed to be false and fraudulent when applied to spring water of the chemical analysis of this product.

On January 28 and November 23, 1928, the United States attorney filed libels praying seizure and condemnation of two shipments of the said Capon Springs water, the former covering 94 dozen half-gallon bottles, and the latter 450 five-gallon bottles and 124 cases, each containing 12 half-gallon bottles. The libels charged that the article had been shipped by the Capon Water Co., from Capon Springs, W. Va., in part on January 20, 1928, and in part on November 16, 1928, that it had been transported from the State of West Virginia into the State of Pennsylvania, that it remained in the original unbroken packages at Philadelphia, and that it was adulterated and misbranded in violation of the food and drugs act as amended.

The Capon Water Co., Capon Springs, W. Va., intervened as claimant and owner in both cases, the lawfulness of the seizure of the product libeled November 23, 1928, being first attacked through a motion to quash and a demurrer to the libel. The motion to quash and the demurrer were overruled by the court in the following opinion handed down on January 18, 1929 (Dickinson, J.):

"There are several of these cases but the questions raised are two. One of the questions is the lawfulness of the issue of and return to a search warrant issued by a justice of the peace under the State law; the other is a demurrer to a libel (in the form of a motion to dismiss) upon which an attachment

issued and a seizure was made of the property of the claimant under the pure food and drugs act.

"We will dispose of all of the cases by the finding of answers to the two questions raised, leaving to counsel to submit an appropriate order in each case in accordance with the rulings made.

"The motion to quash. This is based upon the averment that a search warrant was issued by a justice of the peace under the State law which was irregularly issued, served, and returned. The search warrant was in truth a mere subterfuge device to enable the representatives of the Department of Agriculture to get samples of what the claimant was selling in order to found the libel proceedings next discussed.

"We do not see what this court has to do with this search warrant proceeding. If the district attorney seeks to use evidence obtained in an unlawful way, the question whether such evidence can be admitted may be determined when raised in the proper way and at the proper time, but we are unconvinced that we can quash the process of a State court issued under a State law.

"The motion to quash is denied.

"The demurrer. There are a number of grounds of demurrer specially set forth but we see no need to discuss more than two. The cause is before us following the filing of a libel by the district attorney under the pure food and drugs act of 1906 (21 U. S. C. A. S. 1, et seq.); the issuance of a writ of attachment thereon; and the seizure of property to which the Capon Water Co. has laid claim. One of the grounds of demurrer is that possession of the property is jurisdictional and that without a prior seizure no libel can be filed. Here the libel was first filed and a seizure under the judicial process of attachment followed. The claimant cites, among others, the two cases following to sustain this ground of demurrer: *The Brig Ann*, 13 U. S., 289; *Brewing Co. v. U. S.*, 8 F.(2d) 1.

"It may be premised that the instant cases being in rem possession of the rem is essential to the exercise of effective jurisdiction by the court. The word 'jurisdiction' is however used in many different senses. Among them is jurisdiction of the subject matter and also jurisdiction of the person or of the rem. The first is granted by law; the second is acquired by the service of judicial process.

"There are likewise two kinds of seizures. One is an executive seizure which is extra judicial or at least the most quasi judicial; the other is a seizure by judicial process. A revenue officer, for illustration, may be authorized to seize for some infraction of the revenue laws or an officer for a violation of the National prohibition law, and in either case with or without the authority of a search warrant issued by some magistrate. In such cases jurisdiction may be granted to a court to determine that the property thus seized may be confiscated or condemned. Here the seizure is jurisdictional in the sense of the court having jurisdiction of the subject matter. A court may have judicial power over all cases of a given character as, for instance, courts of admiralty over causes maritime. This power can be exercised, however, only when the court has acquired jurisdiction of the person of the defendant or the rem. This it does by issuing its judicial process in the form of a writ of summons or of attachment or otherwise, as the case may be. Here the service or the seizure is not jurisdictional in the sense of the subject matter but only of the person or the rem.

"The cited cases belong to the first class. In the *Ann* case a vessel had been seized by a revenue officer and sought to be condemned by a decree of the court. The seizure was abandoned and possession thereunder given up. The court in consequence was without jurisdiction.

"In the brewery cases the trial court had held that they belonged to the second class and had proceeded to a decree following a seizure under the judicial process of a writ of attachment based upon a libel. The Circuit Court of Appeals reversed, holding that the Trial Court had no jurisdiction to proceed by libel unless there had been a previous seizure under a search warrant as the cases were of the first class.

"In maritime cases the admiralty courts have jurisdiction of the subject matter and always proceed by issuing a writ of attachment based upon a libel. There is never a first seizure.

"The pure food and drugs act clearly contemplates two things. One is a proceeding in personam under section 2; the other a proceeding in rem under

section 10. The latter confers upon the court jurisdiction of the subject matter and hence power to issue judicial process. The procedure is likened to that of proceedings in admiralty.

"The pertinent provisions declare that any article of food adulterated or misbranded within the meaning of the act and entering into interstate commerce 'shall be liable to be proceeded against in any District Court, &c., and seized for confiscation by a process of libel for condemnation.' This surely means the conferring of jurisdiction upon the court to entertain condemnation cases upon the filing of a libel and to acquire jurisdiction of the rem by attachment process, as is done in admiralty cases.

"The demurrer in consequence cannot be sustained on the ground that a previous seizure under a search warrant is necessary.

"The remaining ground of demurrer, which we will discuss, is the broad one that the libel sets forth no cause for the condemnation of the property of the claimant. This is the equivalent of a like demurrer to a statement of claim in an action at law on the ground that no cause of action is disclosed. This calls for a general survey of the act of Congress. It denounces the manufacture of any article of food or any drug which is adulterated or misbranded, so far as Congress possesses the power to legislate on the subject, and declares any violation of the act to be a misdemeanor. It further provides for the condemnation of the article itself by a proceeding in rem such as the instant proceedings. The term 'food' is defined to include drinks and drugs to be 'anything intended to be used for the cure, mitigation, or prevention of disease, &c.' Any drug is adulterated if 'in strength or purity below the quality' it is represented to have, and any food if it 'consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance.' Any article is misbranded if statements of what it is are 'false or misleading in any particular.'

"The libel is meant to consist, as stated, of what may be called two counts. The first is that of misbranding and the second of adulteration. The misbranding charge is owing to typographical errors rendered unintelligible. The adulteration charge is simply, in the words of the act, that the said product 'consists in part of a filthy, decomposed, and putrid animal and vegetable substance.' It is often difficult to differentiate an ultimate fact finding from a conclusion of law. An offense consists in the commission of an act and ordinarily would not be sufficiently pleaded in the words of the statute defining the offense without the addition of a statement of the act which is charged to constitute the offense. Here, however, the act is the adulteration which is charged and the words of the act are as descriptive of in what the adulteration consists as any added description could be. There may, it is true, be no information in the libel of the specific act of adulteration meant to be charged but this can be supplied, if need be, through a bill of particulars.

"We do not find the libel in this respect to be insufficient in law. Leave is granted the libellant to amend the libel in respect to the charge of misbranding. Assuming this to be done, we are unable to say that the libel does not state a cause of action as a matter of pleading. It may be, for illustration, that the act of Congress condemns only manufactured products and does not apply to natural waters which are in no sense manufactured products. It may likewise be that the label quoted is not false or misleading or that the water is not sold as medicinal. It may of course be also true that the water is not as described in the libel and that there is not even anything to condemn the water as unwholesome or render it unfit for drinking. The water none the less is stated to be in fact a misbranded and adulterated product and a trial must determine the truth.

"Upon the allowed amendment of the libel being made orders denying the motions may be entered, the other grounds of demurrer not discussed being overruled."

The libels were amended on January 22, 1929, and on February 28 and March 18, 1929, further amendments were made by stipulations.

The libels as amended charged that the article was adulterated in that it consisted in part of a filthy or decomposed animal or vegetable substance, to wit, organisms of the *Bacillus coli* group of bacteria, to wit, more than one out of five 10 c. portions of samples examined showed (by method of the Public Health Service) the presence of organisms of the *Bacillus coli* group.

It was further alleged in the amended libels that the article was misbranded in that the statements, "'Ca-Ca-Paon' Healing Water," appearing on the labels, were false and fraudulent, since the article would not produce the curative or

therapeutic effects which purchasers were led to expect by the said statements, and which were applied to the article with a knowledge of their falsity for the purpose of defrauding purchasers thereof.

The claimant filed a motion to strike the evidence obtained under the seizure of November 23, 1928, and also a motion applicable to both cases, to strike out the testimony of experts as to the composition of the samples of water examined by them, and a motion to dismiss the libels, the first of which was allowed and the second and third of which were denied in the following opinion handed down March 11, 1930 (Dickinson, J.):

"The danger we before remarked of the issues in this cause becoming confused has increased. Paper books pro and con the allowance of the motion first above listed had been submitted and the motion disposed of on opinion filed. Counsel for libelant then called our attention to the expectation of counsel that oral argument would be heard upon the motion. We accordingly withdrew the ruling made, and the oral argument has been had. At the argument the two further motions were made. We discuss them in the order listed.

"We feel impelled to apologize in advance for the inordinate length of the discussion in which we have indulged. The only excuse we have to offer arises out of the fullness of the discussion by counsel for the libelant. We have been favored and aided not only by the United States attorney but also by special counsel for the Agricultural Department, whose wide and long experience in cases of this type qualifies him to speak as an expert.

"We are proceeding not quite upon the forlorn hope of convincing counsel for libelant that they are wrong but from the motive of offering evidence that all they have had to urge has had our consideration.

"The unlawful seizure. In view of the opinion filed the discussion naturally assumed the form of a re-argument. We understand there is now agreement upon the proposition that the allowance or refusal of the motion turns upon a single question. This is whether the right protected by the fourth amendment can be invoked by defendants in other than criminal prosecutions. It is admitted that if the claimants had been indicted, as they might have been and may yet be, the evidence here in question would properly be suppressed and could not be used against them. The proceeding here is however a libel proceeding under section 10 of the food and drugs act and not an indictment for the crime denounced by section 1. Counsel for libelant very earnestly press the argument that notwithstanding that the search and seizure by means of which the evidence in question was obtained was one which would be in violation of the claimants' rights if such rights were asserted in a defense to a criminal indictment, no such rights belong to the claimants here because these proceedings are not criminal but civil, and these rights which arise wholly out of the fourth amendment cannot be invoked because that amendment is limited and restricted to criminal prosecutions. There are, as we think, several subtle fallacies hidden in the argument by which this proposition is sought to be supported. One is that the right of a person to enjoy freedom from unlawful searches and from seizures of his property by Government officials has its genesis and origin in the fourth amendment. It might as truthfully be said that his right to life, liberty, and property arises out of the fifth amendment. The legislature, it is true, might give legality to an otherwise unlawful search and seizure unless restrained by a Constitutional provision, and the reason for the fourth amendment was not to create or confer the right but to make its violation legally impossible in any manner short of a change in the Constitution.

"It is confidently asserted that there is no adjudged case which rules that citizens have the right to be secure in their persons, houses, papers, or effects from unreasonable searches and seizures by Governmental agents. If so, it may be because there was never before need for any such ruling. All the instruments which we venerate, Magna Charta, the Petition of Right, the Declaration of Rights, the Declaration of Independence, and the Bills of Rights made part of our Constitution alike claim and proclaim these rights as preexisting. The right to life, liberty, and property antedates the fifth amendment, and the right to be secure against unreasonable searches and seizures did not begin with the adoption of the fourth amendment.

"There is a distinction between power and right. We know that Governments elsewhere having the power have violated these rights. All our Constitutions do is to put it beyond the lawful power of our Governments to violate them. The rights are undoubted. All that is needed is to have a judiciary willing and able to enforce them. There is no more warrant for the proposition that the right to

protection against unlawful seizures can be invoked only in criminal prosecutions than there would be to assert that the protection of the right against the taking of private property for public use could only be asserted by defendants in criminal cases. There would be no difficulty in finding an expression which refers to the right of protection against unlawful seizures as if it were a right to be invoked in criminal cases, as it surely may be. Judicial opinions, as has often been remarked, can only be intelligently read when read in the light of the fact situation to which they relate. Almost always there is in search and seizure cases the element in practical effect of compelled confession of guilt. The compulsion is as real as that which resulted in the good old days from the rack and the boot. Indeed, the modern methods are but a softened form of the latter, and when to the search and seizure methods are added, as often occurs, the methods of the third degree, the difference is not great.

"Underlying the thought urged upon us is one which is an offshoot of that which has a fact basis of truth. This truth is that these safeguards are used to hide guilt and protect malefactors. Such is beyond doubt one result but such is not their purpose. The right to the undisturbed possession of one's property, except only as the right is held in subjection to law, is a near neighbor to the right of personal protection because one cannot be long enjoyed without the other. There is little difference between confiscating a man's property and compelling him to give it up by the imposition of a fine. When, however, as in all the cases cited to us, the feature emphasized is the right to withhold self-incriminating testimony, of course it must be held that this right can be invoked only in criminal prosecutions. Compelling a witness to give testimony against his own interests is a different thing from compelling him to testify against himself. In a civil proceeding a party defendant may be put upon the rack of cross-examination and subjected to a torture in comparison with which the thumbscrew is a mild instrument without any violation of any of his legal rights. This cannot be done in a criminal case. Why the difference? The answer is that in the latter case he has a right to protection; in the former he has not. *Ita lex scripta est*. Because, however, this particular right recognized by the fifth amendment belongs only to defendants in criminal cases is no reason for concluding that another right recognized in the fourth amendment and declared to be inviolable is likewise so restricted. The notion that it is, we suppose is due to the reference in the fourth amendment to the issuance of search warrants following the clause which recognizes the right to protection against unreasonable searches.

"We have already pointed out that the first clause condemns unreasonable searches and seizures; the succeeding clause in no respect modifies this condemnation. Why was it added? The condemnation is visited only upon unreasonable searches and seizures; a search and seizure, as we have before remarked, made in obedience to the mandate of a search warrant could not be said to be either unlawful or unreasonable but it might be unjustified in fact, hence the limitation upon the issuance of search warrants. Surely a provision which was clearly intended to buttress a declared right should not be construed to limit or lessen it.

"As before stated, *Boyd v. U. S.*, 116 U. S., 616, as we view it, settles the question of right. In that ruling four propositions may be found.

"1. Unreasonable searches and seizures are unlawful.

"2. A search in aid of a lawful seizure is not unlawful or unreasonable.

"3. An exploratory search in the hope or for the purpose of the discovery of evidence upon which criminal guilt may be found or confiscation of property be based is unreasonable and hence unlawful.

"4. Congress is without Constitutional power to make a search and seizure of the latter type lawful and an act of Congress which purports to give it the sanction of law is a nullity.

"We further think it follows that if an act of Congress could not make lawful what the agents here did a fortiori, what they did of their own authority without the sanction of a law is likewise unlawful. This, as before stated, settles the question of right. That of which we are in search here is really not the existence of a right but the existence of a policy of the law and a legal method of enforcing that right. It is admitted that in criminal cases there is a recognized practice of refusing to the Government the use of evidence obtained through a violation of the rights of the defendant. This presents the question first propounded. Should the like policy be enforced in forfeiture cases? If the right is restricted to criminal cases, that of course answers the question in the negative, but if there is no such limitation, as we think we have

found, then the question recurs. The right is one of protection against the assertion of Governmental powers. The policy has for its basis the principle that the Government should not be permitted to take advantage of its own wrong and its own violation of law to enforce another law to the prejudice of one whose rights have thus been violated.

"We would keep very far from accusing the agents of the Agricultural Department of indulging themselves in the luxury of the joys of a tyrant because we have always found them to be considerate of the rights of others, but the suggestion that this law can be enforced only by upholding them in the lawful power to search and seize comes perilously near a plea of necessity. Proverbially necessity knows no law, Constitutional or otherwise.

"We are here and in this case unable to recognize the necessity so urgently pressed upon us. Under section 10 of this act this averred offending shipment might have been confronted with a libel; upon that libel an attachment might have issued; under that attachment these bottles of water might have been lawfully seized, and the condition and composition of the water tested and determined. In truth these very things have been done. The suggestion that a sufficient safeguard of the right in question is afforded by the personal responsibility of the individual agent who abuses the power to seize is not an appealing one. The right is essentially one to protection against the assertion of unlawful power by Governmental agencies. As a rule people can protect themselves against trespasses committed by other individuals. They are helpless against inroads upon their rights by Government. They can only look to the law for protection, and that law is a poor protection which the courts do not enforce.

"The cases to which we have been referred of the policy enforced in civil cases between private litigants and in deportation cases do not strike us as being in point. We are brought back every time to the question several times presented. Is the right of the people recognized in the first clause of the fourth amendment to be 'secure' (mark that word) from unwarranted searches and seizures by Governmental agents, limited and restricted to criminal prosecutions, or does it extend to forfeiture cases? The right was enforced in the *Boyd* case (*supra*) in a case which was not a criminal prosecution, and we think a justified corollary is that the same practice which prevails in criminal cases should be extended to forfeiture proceedings.

"The motion to strike out the testimony to which the motion is addressed is allowed.

"The second motion. It may be when this cause comes to be determined that it will be found that the samples tested by the experts are not shown to be samples of the water sought to be condemned. The condition and qualities of the water tested in that event will be no evidence of the filthiness of the water sought to be condemned.

"We are unable to find at this time, however, that the evidence should be struck out.

"The motion is denied.

"The third motion. This is an effort to import into the trial practice of cases tried under a law of the United States, the statutory compulsory nonsuit practice which pertains in the Pennsylvania State courts. What it comes to is that a defendant may test the judgment of the trial court upon the question of whether the libelant has by its proofs made out a case. If the judgment is favorable to the claimant he offers no evidence for the defense; if adverse, he then goes into his defense. Whatever may be said (and much may be said) in favor of the State practice, we have two comments to make. One is that this might require us to take two sips of this water; the other is that under the State practice the defendant would be fully protected against the at least possible error of the trial court because the judgment would be one simply of nonsuit, whereas here the judgment would be one for the defendant. A consequence is that if the judgment were reversed on appeal, final judgment would then go against the defendant. The defendant must decide for himself whether he will offer evidence.

"The motion is denied."

On January 8, 1930, it was stipulated by the Government and claimant that a jury trial be waived and the case, involving 94 half-gallon bottles involved in the first libel filed, was set for trial by the court. Evidence was introduced and oral argument heard on behalf of the Government and claimant, the final hearing being had on October 16, 1930. On December 8, 1930, the court handed down the following opinion dismissing the libel (*Dickinson, J.*):

"This record will be found to be in a more or less confused state. This is due to the fact that the libel proceedings are directed against a few bottles of no special value in themselves either commercially or with respect to the public interest. The issue in the case is what the condition of the contents of these few bottles were at the time of shipment in interstate commerce. If, for illustration, the wholesomeness of Capon Springs water is not questioned, the fact that a particular shipment of a few bottles of water might be questioned would be of little concern to any one, especially in view of the fact that even if the shipment was open to complaint at the time it was made, the lapse of time would have a correcting effect so that the shipment would be wholesome at the time of hearing, and indeed before the time the shipment would reach the market. The trial judge in consequence suggested that the issue be broadened so that the question of what we will call the wholesomeness of Capon Springs water as it came from the springs and reached the market might be determined instead of the narrow issue of the wholesomeness of the particular shipment. This suggestion was tentatively accepted and the trial proceeded for a time upon this broader issue, but the tentative acceptance of the suggestion was afterwards withdrawn and the issue confined to the narrow one indicated. The result of it has been that there is in this record evidence bearing upon what we will call the general issue of the wholesomeness of Capon Springs water, with which issue we have in strictness nothing to do. There is an unavoidable embarrassment in dealing with a narrow issue, such as that indicated, because of the indirect consequences and effects of a finding.

"The grown or manufactured product of a dealer in a food, for illustration, might be wholesome and nutritious and yet a particular shipment have become unfit for food through what might be called accidental circumstances. The condemnation of the particular shipment might none the less have the effect of the inference drawn by consumers that the consumption of any of the product was harmful and the whole trade of the dealer be thus ruined. There might be no justification for the inference, and yet every one knows that to condemn any part of what a dealer is shipping causes the inference to be drawn by the consuming public, the prospective purchasers of the product, that it is all bad.

"The food and drugs act has a very beneficent purpose, and it is without doubt the duty of the courts to lend their aid to its efficient enforcement. At the same time it would be an unfortunate and unjustified consequence to have the value of the trade in a product wholly destroyed because a small shipment of that product had in some way become contaminated. We are all more or less finicky about the things we take into our stomachs. The slightest suspicion of careless or unsanitary methods in production or distribution might absolutely destroy the value of a large and important trade. The moral to be drawn from this is that a court should declare no condemnation without careful thought being given to the consequences which we have indicated. The wholesomeness of a food or drink cannot even be made the subject of a discussion without the possibility of consequences which would be deplored.

"There is one part of the complaint made against this particular shipment which may, however, be freely discussed. The claimant here deals in a drinking or bottled water, which is also possibly bought with the thought that it has likewise some medicinal qualities. The water is known as Capon Springs water, which is taken from a spring in West Virginia. It is charged that the water as put upon the market is misbranded, evidenced by the labels on the bottles in which the water is marketed.

"Section 8 of the act defines the meaning of the term 'misbranded.' The article is misbranded if the package or label shall bear any statement, design, or device regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular.

"It is charged that Capon Springs water is marketed under a label which describes it to be 'Healing Water,' thereby implying that the drinking of it will have curative and therapeutic results, when in fact the water is more accurately described as drinking water having only the properties of what might be called ordinary spring water.

"There is no meaner or more despicable fraud than that of persuading those afflicted with a disease to buy something on the promise that it will cure them or help them when the hope aroused is wholly delusive and the statements made fraudulently misleading. Anyone would feel the call to aid in the

suppression of frauds of this character. There is nothing in this case which would justify the finding that Capon Springs water is medicinal in the sense indicated. When one is speaking of a drinking water it is difficult to draw the line between an effect which is merely beneficial and one which is medicinal. Anyone may have a prejudice in favor of the water from some favorite well or spring and believe they are benefited by drinking it. So believing they would not be condemned for recommending it to others nor do we think the commercial exploitation of it would come within the condemnation of this act of Congress so long as the line of fraud was not crossed. One has only need to recur to the literature of his youth to recall the incident of the visit of Leather Stocking to the spring from which the famous Saratoga water is now taken, and to the tribute which is paid in *Westward Ho* to tobacco. There is scarcely any locality in the country in which there is not a spring, about the waters of which there are traditions more or less well authenticated, that the waters of the spring were a favorite drink of the Indians. The languages of the different tribes of American Indians had this in common that they were figurative and abounded in metaphors. The names given to individuals ascribed to these high sounding qualities. There is said to be such a tradition connected with the Capon Springs. This water was so highly valued by the Indians that it was given the name 'Capon,' which in the language of the particular tribe which inhabited the surrounding country, is said to have had the meaning of healing or healing water. There is an advertising value in such a tradition, the benefit of which the claimants have undoubtedly sought to get. For some reason, which is inscrutable, many people attach a value to Indian medical lore. Anyone who has a nostrum, for which he desires to create a commercial demand, can do so successfully by panoplying some one in red paint and feathers and proclaiming the nostrum to be a favorite medicine among the Indians. This may be done in such a way as that it is clearly a fraudulent imposition and denounced as an offense against this act of Congress. On the other hand, it may be taken in such a way as to negative the thought of a real fraud and be nothing more than an advertising device to call attention to the thing which is offered for sale.

"We see nothing in the label in this case which would justify a finding that it was fraudulent. The form of the label is: 'Capon Springs Water, Known to the Catauaba Indians as "Ca-Ca-Paon" Healing Water, 2 Quarts Net—Bottled at the Springs.' [Then follows an analysis in type too small to be conveniently read.] 'Natural Mineral Spring Water Famous for Two Centuries. Capon Water Co. Capon Springs, W. Va.'

"There is doubtless an advertising value in the stuttering orthography given to the words 'Catauaba' and 'Capon,' but this label is as close an adherence to the truth as is customary in commercial labels and speaks the truth as nearly as would be expected of any advertiser of a commercial product. We would not find as a fact in what measure of esteem the Capon Springs water was held by the Indians, but there is that in the record of this case which would support the statement that the word 'Ca-Ca-Paon' means in the Indian dialect healing water. Whether it does or not we would not find from the evidence, but we do find that there is evidence that the word is said to have this meaning.

"The count in the libel of misbranding is not sustained.

"Some of the literature put out by the claimants may be characterized as not only florid but is almost laughable in its overstatements. Everyone has heard, however, of extravagant claims made by the advocates of a liberal use of ordinary drinking water. This is epitomized in the slogan 'flood your kidneys.' This has no reference to any particular drinking water but applies to any water. All the extravagant claims made for drinking Capon Springs water are made for the liberal use of any drinking water. There is no reason to doubt that those who advocate the liberal use of drinking water honestly believe the practice to be beneficial. We are not prepared to make any finding that it is not, and we are far from finding that all the benefits claimed will be conferred. The point we have in mind to make is that the act of Congress does not interdict anyone from advocating the liberal use of drinking water nor from enforcing the advocacy of it by extravagant predictions of the benefits which will follow. If this can be done in the case of water as water, we do not see how the claimants can be interdicted from saying the same thing about Capon Springs water.

"The next count in the libel is based upon the sixth clause of section 7 of the act. As before stated, this feature of the libel cannot even be discussed without consequences which, although unintended, might none the less be very harmful to the trade of the claimants. As before also stated, we are restricted in any findings which we may make to the few bottles of water which were seized.

"We make the finding that this water at the time of the trial was free from the criticisms made of it and will continue to be free. We make this finding because the claimants have introduced evidence through the testimony of experts to this effect, which is uncontradicted, and also because the offer was made by the claimants to submit the water to analysis and microscopical examination for the Government. This offer was declined, and the testimony itself objected to because the question is asserted to be not what the condition of the water now is but what it was at the time of seizure, and it would seem to be an admitted truth that the water would clear itself after a comparatively short time. The claimants assert that in order to assure the wholesomeness of the water it was their practice to keep it in storage for such a length of time as would leave no doubt of its wholesomeness before it was put upon the market. Whether this practice was in all cases followed it would not clear the claimants of the charge of shipping unwholesome water, if it was at the time of shipment unwholesome, even if the unwholesomeness were afterwards removed. Congress evidently had in mind the injustice which might be done through a charge of unwholesomeness of a particular shipment by being extended in the public mind to a condemnation of the entire product. The regulations are also mindful of this. It is because of this provided that, before any proceedings of condemnation are instituted, that the interested persons shall be notified and given the opportunity to 'show cause why the matter should not be referred for a prosecution as a violation of the Federal food and drugs act.' The purpose of this procedure is manifest. It was, however, for reasons which, in the opinion of the officers of the bureau justified the omission, not followed in the instant case. We think this should have been done, and because of the omission to do it, that this count of the libel cannot be sustained. The purpose of the regulation in consonance with the intent of Congress is that the reputation of a food product shall not be blasted by the institution of proceedings without a full opportunity afforded to the parties concerned to convince the department, if they can, that such proceedings should not be instituted. If the product be one, the shipment of which in interstate commerce, should be interdicted, proceedings may be instituted and the shipment stopped, but if the condemnation of the product is due to something which may be corrected, and the product itself does not call for condemnation, the proceedings need not be instituted.

"This leads to a comment, in the making of which we may be going beyond our judicial duty, but which nevertheless we feel impelled to make. The comment is that the difficulties in which the claimants find themselves are largely of their own making. Apparently, they have failed to appreciate the gravity and importance of the duties which the officials of this bureau are called upon to perform. Instead of recognizing that the activities of the officials are not only justified but demanded of them in furtherance of the protection of the public health, the claimants seem to have resented the intervention of the officials as an unwarranted intrusion into the private business of the claimants. Realizing, as of course the claimants did, how much harm to their trade a charge of unwholesomeness against the Capon Springs water would have, whether the charge was well founded or ill founded, they resented the acts of the officials as if this injury was intended. This attitude on their part was wholly unjustified.

"The department needs no vindication at the hands of this court, but we feel free to express our absolute confidence in the good faith of the action taken and that it was done solely in the performance of duty and for the protection of the public health.

"The resentment of the claimants against the intervention of the department and the general attitude of the claimants was interpreted as meaning a defiance of the department and a challenge to them 'to do their worst.' Because of this, the authorities felt justified in proceeding without any preliminary hearing. This feeling is natural enough and excusable in itself, but is far from justifying any refusal or failure to give the claimants the preliminary hearing called for by the regulations, and should have induced

a careful regard to all the rights of the claimants. The department doubtless viewed the provision for a preliminary hearing as applying only to criminal prosecutions, but there is the same reason for extending it to proceedings in rem.

"Another comment is, we think, likewise within our province to make. It is that many of the claims made of benefit from the drinking of Capon Springs water are so extravagant as to justify the characterization of being ridiculous. No trial judge is in a position to pit his judgment of the benefit to the seller of certain commercial practices against the judgment of commercial men. We venture, however, the statement that those who buy Capon Springs water or other spring water do so because they wish a water to drink which is what is called 'pure' and which is palatable. Very few, if any, users of any of the spring waters would be induced to buy them in the hope that they will prove to be the panacea, which in the literature put out by the claimant company, this water is claimed to be.

"We are not prepared to say that the tradition that this water was highly regarded by an extinct tribe of Indians in the far distant past may not have some real advertising value, and as we have already observed, we think the claimants can avail themselves of the statement of what some Indian, now dead, for many generations, may have thought of the water from this particular spring, but extravagant claims to a panacea should be dropped.

"A final comment is that the parties to this cause, as if upon the preliminary hearing provided by the regulations, should meet and reach a working agreement such as would assure to the authorities a compliance with the law and leave the claimants free to conduct their business undisturbed by any complaints from the department. We see no difficulty in reaching such a working agreement. The claimants are bound to comply with all the requirements of the law and we know that all the authorities wish is assurance that there will be such compliance. What is called for is a get-together attitude.

"The conclusion reached is that the libel should be dismissed, and a form of decree in accordance herewith may be submitted.

"We make the following specific findings of fact and conclusions of law:

"Findings of fact. 1. The Capon Springs water is a natural water obtained from springs near Capon Springs, W. Va.

"2. There is evidence, sufficient to justify the claimants in making reference to it, of a tradition in the neighborhood of the springs that the word 'Capon' is a corruption of the word 'Ca-Ca-Paon,' meaning in the dialect of the Catawba tribe of Indians, 'Healing Water.' There is no evidence, however, that the word ever had this meaning in spite of the tradition to that effect.

"3. No hearing in the nature of a rule to show cause called for by the regulations was given to the claimants, but on the contrary they were refused all information and opportunity to correct the information upon which the libellant had based its libel.

"Conclusions of law. 1. The label used in this case by the claimants is not a misbranding within the meaning of the act of Congress on the subject.

"2. The count in the libel based upon clause 6, section 7 of the act of Congress, is dismissed because of the failure to grant the claimants the preliminary hearing allowed by the regulations.

"3. The libel should be dismissed."

On December 18, 1930, the Government filed a petition for appeal and assignment of errors, and on the same date an order was signed by Judge Dickinson allowing the appeal to the United States Circuit Court of Appeals for the Third Circuit. On August 19, 1931, the Circuit Court of Appeals, Buffington, Davis, and Thompson, Circuit Judges sitting, handed down the following decision overruling the opinion of the District Court that hearing is necessary preliminary to seizure, but affirming the order of dismissal on other grounds (Davis, *C. J.*):

"This is an appeal from a decree dismissing the libel in the above stated cause.

"On January 28, 1928, the United States filed a libel under section 10 of the food and drugs act and prayed for seizure and condemnation of 94 dozen half-gallon bottles of Capon Springs water, which had been shipped on January 20, 1928 from Capon Springs, W. Va., to Philadelphia, Pa., on the grounds that the water was adulterated and the bottles in which it was contained were misbranded.

"An article is adulterated within the meaning of the act, 'if it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance.'

"An article is misbranded within the meaning of the act, 'if the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular.'

"The learned trial judge in his second conclusion of law dismissed the count in the libel based upon clause 6, section 7, 'because of the failure to grant the claimants the preliminary hearing allowed by the regulations.' The regulation to which the court referred was regulation 5 (a) which provides as follows:

(a) Whenever it appears that an article is adulterated or misbranded within the meaning of the act, and proceedings are contemplated under sections 1 and 2, notice shall be given to the party or parties against whom prosecution is under consideration and to other interested parties, and a date shall be fixed at which such party or parties may be heard. The hearing shall be held at the office of the Food, Drug and Insecticide Administration most convenient to the parties cited, and shall be private and confined to questions of fact. The parties notified may present evidence, either oral or written, in person or by attorney, to show cause why the matter should not be referred for prosecution as a violation of the Federal food and drugs act.

"This regulation refers to sections 1 and 2 of the act which provide the penalty for conviction in criminal proceedings under section 4. It does not refer to proceedings in rem as provided in section 10 of the act. This section does not require that a preliminary hearing be given to claimants of the articles alleged to be adulterated or misbranded. *United States v. 50 Barrels of Whiskey*, 165 Fed. 966; *United States v. 65 Casks of Liquid Extract*, 170 Fed. 449; *United States v. 9 Barrels of Olives*, 179 Fed. 983; *United States v. 100 Barrels of Vinegar*, 188 Fed. 471; *United States v. 75 Barrels of Vinegar*, 192 Fed. 350. But section 4 does require that when on examination the Board of Chemistry finds an article to be adulterated or misbranded, notice be given the party from whom the sample was obtained and an opportunity to be heard. But under section 5 of the act which also relates to criminal proceedings, it is the duty of the district attorney to whom satisfactory evidence of any violation of the act is reported by the Secretary of Agriculture or by any health officer of any State, to begin proceedings against the offender without notice or an opportunity to be heard. So even in criminal proceedings notice is not always necessary. *United States v. 75 Boxes of Alleged Pepper*, 198 Fed. 934; *United States v. Morgan, et al.*, 222 U. S. 274.

"The Government charged in its libel that the water was misbranded in that the labels on the bottles and circulars contain statements, designs, and devices regarding the ingredients and substances in the water to the effect that it is a 'healing water' and possesses curative and therapeutic properties, which, it alleges, are false and fraudulent. It further charged that the water was adulterated in that it 'consists in part of a filthy, decomposed, and putrid animal and vegetable substance.' These allegations were earnestly denied by the appellee. It appears that several hundred pages of testimony were taken to establish and rebut these allegations. The court made the following general finding: 'We make the finding that this water at the time of the trial was free from the criticisms made of it and will continue to be free.' The 'criticisms made' were that the water was adulterated and misbranded. But the Government has not brought any of the testimony here to establish these allegations. The record before us consists of the pleadings, the opinion, decree, exception, assignment of errors, petition for appeal, order allowing appeal, and citation. These alone are open for consideration. *Reilly v. Beekman*, 24 Fed. (2d) 791, 795.

"The third conclusion of law is: '3. The libel should be dismissed.' The decree is: 'And now, to wit, this tenth day of December, 1930, it is ordered that the libel in the above-entitled case be dismissed.'

"The general finding, the specific conclusion of law and decree are based upon the evidence which is presumed to support them and there is nothing in the record before us to rebut this presumption. *Southern Railway v. Lester*, 151 Fed. 573, 575; *Bankers Trust Co. v. Missouri K. & T. Railway Co.*, 251 Fed. 789, 798; *Arena v. Delaware, Lackawanna and Western Railway Co.*, 292 Fed. 1, 4; *Caldwell v. United States*, 256 Fed. 805; *Clarke v. United States*, 255 Fed. 546. *Samuel Olson & Co. v. Voorhees*, 292 Fed. 113, 115.

"It is true that in the second conclusion of law, which the Government says is predicated upon the third finding of fact, the dismissal of the count based upon clause 6, section 7, of the act may have been put upon the wrong ground. This clause and section refer to paragraph 6 only of the libel which charges adulteration. With this paragraph eliminated, the rest of the libel is left standing.

The third conclusion of law, that 'the libel should be dismissed,' is based upon the evidence as a whole and dismisses not only the sixth paragraph but the entire libel. While the record does not disclose any exceptions taken at the trial, embodied in a formal bill, presented to and signed by the trial judge within the term as required by the decisions generally, it is true, as the Government here contends, that in trials by the court without a jury the sufficiency of facts specially found to support the judgment or decree may be reviewed without a bill of exceptions. *Sloss-Sheffield Steel Etc. Co. v. Stover Mfg. Company*, 37 Fed. (2d) 876; *General Motors Co. v. Swan Carburetor Co.*, 44 Fed. (2d) 24; *Seeberger v. Schlesinger*, 152 U. S. 581; *Lewellyn etc. v. Electric Reduction Company*, 275 U. S. 243, 248. But this does not materially help, for as above stated, there is nothing in the record open to us that justifies a reversal. There are 23 assignments of error, but they are not contained in any special finding and there is no bill of exceptions bringing up those portions of the record upon which they are predicated. If we are free to consider them they show findings against the Government presumptively on sufficient evidence or a refusal to find for the Government on insufficient evidence.

"It follows that the decree dismissing the libel must be affirmed."

On January 14, 1932, decrees were entered directing the return of the property to the claimant.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19237. Adulteration of herring. U. S. v. 2 Cases of Herring. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27956. I. S. No. 50760. S. No. 5977.)

Samples of herring from the shipment herein described having been found to be infested with worms and unfit for food, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On March 7, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of two cases of herring at Chicago, Ill., alleging that the article had been shipped by Paul Nordley, from Knife River, Minn., on or about February 28, 1932, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of a portion of an animal unfit for food.

On April 22, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19238. Adulteration of dressed herring. U. S. v. 28 Cases of Dressed Herring. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27933. I. S. No. 50744. S. No. 5937.)

Samples of dressed herring from the shipment herein described having been found to be infested with worms and unfit for food, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On February 19, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 28 cases of dressed herring at Chicago, Ill., alleging that the article had been shipped by George Siegel, from Duluth, Minn., on or about February 18, 1932, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of a portion of an animal unfit for food.

On April 22, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19239. Adulteration of dressed herring. U. S. v. 2 Boxes of Dressed Herring. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27955. I. S. No. 53303. S. No. 5981.)

Samples of dressed herring from the shipment herein described having been found to be infested with worms and unfit for food, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On March 9, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of two boxes of dressed herring at Chicago, Ill., alleging that the article had been shipped by J. Jacobson, from Two Harbors, Minn., on or about March 3, 1932, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of a portion of an animal unfit for food.

On April 22, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19240. Adulteration of frozen whitefish. U. S. v. 10 Boxes of Frozen White Fish. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27884. I. S. No. 50255. S. No. 5901.)

Samples of fish from the shipment herein described having been found to be infested with worms and unfit for food, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On February 18, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 boxes of frozen whitefish at Chicago, Ill., alleging that the article had been shipped by the Northern Cold Storage Warehouse from Duluth, Minn., on or about February 15, 1932, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of a portion of an animal unfit for food.

On April 22, 1932, no claimant having appeared for the property, a judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19241. Adulteration and misbranding of oysters. U. S. v. 8¼ Gallons of Oysters. Default decree of destruction entered. (F. & D. No. 27311. I. S. No. 47554. S. No. 5467.)

Samples of oysters from the shipment herein described having been found to contain added water, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On November 28, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 8¼ gallons of oysters, remaining in the original packages at Columbus, Ohio, alleging that the article had been shipped on or about November 17, 1931, by C. A. Loockerman, from Crisfield, Md., and had been transported in interstate commerce from the State of Maryland into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Original Pac Pure and Unadulterated Oysters with the Sea's Natural Tang from Chesapeake Famous Oyster Bed."

It was alleged in the libel that the article was adulterated in that it consisted partly of added water.

Misbranding was alleged for the reason that the statement "Pure and Unadulterated Oysters," borne on the label, was false and misleading and deceived and misled the purchaser.

On January 29, 1932, no claimant having appeared for the property, a decree was entered adjudging the product adulterated and subject to condemnation, and it was ordered by the court that the said product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19242. Adulteration and misbranding of butter. U. S. v. Sullivan's Creamery Co. (Inc.). Plea of guilty. Fine, \$75. (F. & D. No. 26542. I. S. Nos. 1131, 1142, 2145.)

Examination of samples of butter taken from the three shipments covered by this action showed that the product in one of the consignments was low in milk fat, one consignment was short weight, and one consignment was low in milk fat and also short weight.

On June 19, 1931, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Sullivan's Creamery Co. (Inc.), a corporation, Lewiston, Idaho, alleging shipment by said company, in violation of the food and drugs act, in various consignments on or about November 15, 1930, January 9, 1931, and January 19, 1931, from the State of Idaho into the State of Washington, of quantities of butter a portion of which was adulterated and the remainder of which was misbranded. The article was labeled in part: "Perfection Brand Creamery Butter Idaho State Creamery Butter 16 oz. Net Sullivan's Creamery Co. Manufacturers, Lewiston, Idaho."

Adulteration was alleged in the information with respect to a portion of the article, shipped November 15, 1930, for the reason that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 per cent by weight of milk fat as defined and required by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged with respect to the product involved in the remaining two shipments for the reason that the statements "Butter," and "16 oz. Net," borne on the packages containing the product shipped January 9, 1931, and the statement, "16 oz. Net," borne on the packages containing the product shipped January 19, 1931, were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the said statements represented that the article in the former shipment was butter, a product containing not less than 80 per cent by weight of milk fat, and that the packages in both shipments contained 16 ounces net; whereas the product shipped January 9, 1931 contained less than 80 per cent of milk fat, and the packages involved in both of the said shipments contained less than 16 ounces net of the said article.

On November 12, 1931, the defendant company having withdrawn its answer to the counts of the information covering the above charges, a plea of guilty was entered to the said counts and the court imposed a fine of \$75. The Government dismissed the remaining counts.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19243. Misbranding of tomato juice. U. S. v. 20½ Cases of Tomato Juice. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 27313. I. S. No. 42519. S. No. 5483.)

Examination of samples of tomato juice from the shipment herein described having shown that the cans contained less than the declared volume, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of New York.

On December 5, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 20½ cases of tomato juice at Syracuse, N. Y., alleging that the article had been shipped by Edgar F. Hurff, from Swedesboro, N. J., on or about August 18, 1931, and had been transported in interstate commerce from the State of New Jersey into the State of New York, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Hurff Brand Tomato Juice * * * Contents 13 Fluid Ozs. * * * Tomato Juice Cocktail To This 13 Oz. Tin Tomato Juice add * * * Packed by Edgar F. Hurff, Swedesboro, New Jersey."

It was alleged in the libel that the article was misbranded in that the statements, "Contents 13 Fluid Ozs. * * * This 13 Oz. Tin," were false and

misleading and deceived and misled the purchaser. Misbranding was further alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On January 13, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold at public auction by the United States marshal and that it should not be resold until labeled in compliance with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19244. Misbranding of olive oil. U. S. v. Mallars & Co. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 26566. I. S. Nos. 9955, 9956.)

Examination of the olive oil involved in the shipment herein described showed that the cans contained less than the declared volume.

On October 10, 1931, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Mallars & Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the food & drugs act as amended, on or about August 14, 1930, from the State of Illinois into the State of Iowa, of a quantity of olive oil that was misbranded. The article was labeled in part: (Cans) "Athlete Brand Pure Olive Oil Contents $\frac{1}{4}$ Gallon [or " $\frac{1}{2}$ Gallon"] Mallars & Company, Chicago."

It was alleged in the information that the article was misbranded in that the statements "Contents $\frac{1}{4}$ Gallon" and "Contents $\frac{1}{2}$ Gallon," respectively, borne upon the said cans, were false and misleading in that the said statements represented that the cans contained one-fourth gallon or one-half gallon of olive oil; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the cans contained one-fourth gallon or one-half gallon of olive oil; whereas they did not contain the quantity so represented but did contain a less quantity. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the cans contained less than the quantity represented.

On January 25, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19245. Adulteration of tomato catsup. U. S. v. 220 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27256. I. S. No. 17189. S. No. 5431.)

Samples of tomato catsup from the shipment herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Texas.

On November 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 220 cases of tomato catsup at Waco, Tex., alleging that the article had been shipped by the Wm. Craig Canning Co., from Ogden, Utah, on or about September 26, 1931, and had been transported from the State of Utah into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Regal Brand Tomato Catsup * * * Wm. Craig Canning Co., Ogden, Utah."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On December 22, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19246. Misbranding of Teche Valley hot sauce. U. S. v. 121 Cases of Teche Valley Hot Sauce. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26960. I. S. No. 17698. S. No. 5169.)

Examination of samples of sauce from the shipment herein described having shown that the product contained undeclared artificial color, and that the bottles contained less than 6 ounces, the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Texas.

On September 11, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 121 cases of hot sauce, remaining in the original packages at Corpus Christi, Tex., alleging that the article had been shipped on or about October 8, 1930, by the New Iberia Canning Co., from New Iberia, La., and had been transported in interstate commerce from the State of Louisiana into the State of Texas, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Bottle) "Teche Valley Hot Sauce. Contents 6 Ounces."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Hot Sauce," when applied to an artificially colored product, was false and misleading. The libel further alleged that the statement "6 Ounces" was false and misleading.

On November 24, 1931, no claimant having appeared, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19247. Adulteration and misbranding of ground thyme. U. S. v. 34 Cartons of Thyme. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27270. I. S. No. 44833. S. No. 5435.)

Examination of samples of ground thyme from the shipment herein described having shown that the article contained a foreign substance consisting of an earthy material, that some of the retail packages bore no statement of the quantity of the contents, and that the remainder bore an incorrect statement, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On November 24, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 34 cartons of ground thyme at Chicago, Ill., alleging that the article had been shipped by Archibald C. Lewis, from New York, N. Y., on October 20, 1931, and had been transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Shipping carton) "24 4-Oz. Tins Pure Ground Thyme." A portion of the tin containers were labeled in part: "American Brand Thyme The National Spice Co. New York. Guaranteed Under The Food and Drugs Act June 30, 1906. Serial No. 589." The remainder of the tin containers were labeled in part: "American Brand Thyme The National Spice Co. New York. Quarter Pound."

Adulteration of the article was alleged in the libel for the reason that earthy material had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, namely, thyme. Misbranding was alleged for the further reason that the designation "Thyme," when applied to an article containing earthy material, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the statements, "Guaranteed Under The Food and Drugs Act June 30, 1906, Serial No. 589," and "Quarter Pound," wherever such statements appeared on the respective labels of the containers, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since some of the packages failed to bear a statement of the net weight, and on those packages on which statements of the weight were made, they were not correct, since the packages contained less than so represented.

On January 11, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19248. Adulteration of dressed poultry. U. S. v. Armour & Co. and Daniel S. Bixby. Pleas of nolo contendere. Armour Co. found guilty and fined \$10. Daniel S. Bixby found not guilty. (F. & D. No. 25684. I. S. No. 028751.)

Samples of dressed poultry from the shipment herein described having been found to be moldy, decomposed, sour, musty, and unfit for human consumption,

the Secretary of Agriculture reported the matter to the United States attorney for the District of Connecticut.

On May 26, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Armour Co., a corporation trading at New Haven, Conn., and Daniel S. Bixby, an individual, New Haven, Conn., alleging shipment by said defendants in violation of the food and drugs act, on or about November 25, 1929, from the State of Connecticut into the State of New York, of a quantity of dressed poultry that was adulterated.

It was alleged in the information that the article was adulterated in that it consisted in part of filthy, decomposed, and putrid animal substances, and in that it consisted in part of portions of animals unfit for food.

On October 20, 1931, a plea of nolo contendere having been entered on behalf of Armour & Co., the court entered judgment finding the said defendant company guilty, and imposed a fine of \$10. On the same date defendant, Daniel S. Bixby, entered a plea of nolo contendere and the court found the said defendant not guilty.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19249. Adulteration of tomato catsup. U. S. v. 25 Cases, et al., of Tomato Catsup. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25941, 26025. I. S. Nos. 15877, 15880, 15881, 15888. S. Nos. 4133, 4282.)

Samples of tomato catsup from the shipments herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of New York.

On February 23, 1931 and March 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 341 cases, each containing a number of bottles, and 39 cases each containing a number of jugs, of tomato catsup, in part at Utica, N. Y., and in part at Syracuse, N. Y., alleging that the article had been shipped in two separate consignments on or about September 26, 1930 and September 30, 1930, by the Frazier Packing Co., from Elwood, Ind., and had been transported in interstate commerce from the State of Indiana into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Bottles and jugs) "Crouse's Crown Brand * * * Tomato Catsup Crouse Grocery Co. Distributors Syracuse N. Y. and Utica, N. Y."

It was alleged in the libels that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On June 8, 1931, no claimant having appeared for the property, decrees of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19250. Misbranding of canned cherries. U. S. v. 19 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 27265. I. S. No. 31908. S. No. 5450.)

Examination of canned cherries from the shipment herein described showed that the article fell below the standard for canned cherries promulgated by the Secretary of Agriculture, in that it consisted of water-packed cherries, and was not labeled to show that it was substandard.

On November 30, 1931, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 19 cases of canned cherries, remaining in the original packages at Raton, N. Mex., alleging that the article had been shipped on or about August 7, 1931, by the Ray A. Ricketts Co., from Canon City, Colo., and had been transported in interstate commerce from the State of Colorado into the State of New Mexico, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "O-Joy Brand Red Pitted Cherries * * * Packed by Ray A. Ricketts Company, Canon City, Colo. Crowley, Colo."

Misbranding was alleged in that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, in that it consisted of water-packed cherries, and the label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture, indicating that it fell below such standard of quality and condition.

On January 4, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be relabeled in conformity with the food and drugs act as amended, and that it be sold at public auction by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19251. Adulteration and misbranding of Choelat-Nuga. U. S. v. Walter F. Seidel and Louis Seidel (Ad. Seidel & Sons). Pleas of guilty. Fine, \$300. (F. & D. No. 19633. I. S. No. 18910-V.)

Examination of samples of Choelat-Nuga showed that the article consisted of cocoa, a product from which chocolate fat had been in whole or in part extracted, to which cocoanut oil had been added to replace the fat so extracted.

On May 12, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Walter F. Seidel and Louis Seidel, copartners, trading as Ad. Seidel & Sons, Chicago, Ill., alleging shipment by said defendants, in violation of the food and drugs act, on or about April 19, 1924, from the State of Illinois into the State of Indiana, of a quantity of Choelat-Nuga which was adulterated and misbranded. The article was labeled in part: "Choelat-Nuga A Superior Icing Substance Guaranteed * * * Ad. Seidel & Sons. Manufacturing Food Chemists, Importers, * * * Chicago."

It was alleged in the information that the article was adulterated in that a substance, composed of cocoanut oil and cocoa powder deprived of a portion of its fat, had been substituted for "Choelat-Nuga A Superior Icing Substance Guaranteed," which the said article purported to be. Adulteration was alleged for the further reason that cocoa butter, a valuable constituent of a chocolate product which the article purported to be, had been in part abstracted therefrom.

Misbranding was alleged for the reason that the article was an imitation of another article, to wit, chocolate. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, to wit, chocolate. Misbranding was alleged for the further reason that the statement, to wit, "Choelat-Nuga A Superior Icing Substance Guaranteed," borne on the label, was false and misleading in that the said statement represented the article to be chocolate; and for the further reason that it was labeled, as aforesaid, so as to deceive and mislead the purchaser into the belief that it was chocolate; whereas it was not chocolate but was an article composed of a mixture of cocoanut oil and cocoa powder.

On December 16, 1931, defendants entered pleas of guilty to the information and the court imposed a fine of \$300.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19252. Adulteration of dates. U. S. v. 36 Cartons of Dates. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27294. I. S. No. 31701. S. No. 5478.)

Examination of samples of dates from the shipment herein described having shown the product to be wormy and insect-infested, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On December 8, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 36 cartons of dates, remaining in the original unbroken packages at Denver, Colo., consigned by Capitol Candied Nuts (Inc.), New York, N. Y., alleging that the article had been shipped October 9, 1931, from New York City, N. Y., and had been transported in interstate commerce from the State of New York into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cases) "Cellophane Date Packages. Capitol Candied Nuts Inc., New York City;" (retail packages) "Imported Dates."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

On January 14, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19253. Adulteration of tomato catsup. U. S. v. 60 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27296. I. S. No. 31637. S. No. 5477.)

Samples of tomato catsup from the shipment herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On December 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 60 cases of tomato catsup, remaining in the original unbroken packages at Denver, Colo., consigned by the Smith Canning Co., Smith Siding, Utah, alleging that the article had been shipped on or about October 30, 1930, from West Point, Utah, and had been transported in interstate commerce from the State of Utah into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "West Point Brand Fancy Utah Catsup * * * Packed by West Point Canning Co., West Point, Utah."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On January 14, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19254. Adulteration and misbranding of meat scraps and digester tankage. U. S. v. Packer Products Co. Pleas of guilty. Fines, \$560. (F. & D. Nos. 22545, 23729. I. S. Nos. 9365-X, 9366-X, 9367-X, 9368-X, 9370-X, 9371-X, 9373-X, 9374-X, 11964-X, 15661-X, 012901, 012903, 012904, 012905.)

These actions involved various shipments of stock feed under the trade names of Honeymeade meat scraps, and Porker digester tankage. All shipments of the meat scraps were low in protein, i. e., containing less protein than labeled, and in certain shipments hoof meal and bone meal were found to be present in the article. The digester tankage was found to contain hoof meal, ground leather, or cocoa shells, one or more of these substances being present in all but one of the shipments; 3 of the 10 consignments of tankage were also found low in protein.

On April 17, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Packer Products Co., a corporation, Chicago, Ill. On September 12, 1929, a second information was filed against the said defendant. Both informations charged the defendant company with shipping in interstate commerce from Illinois into the States of Indiana and Ohio, in violation of the food and drugs act, on various dates between October 23, 1926 and July 27, 1928, quantities of meat scrap and digester tankage that were misbranded, and the greater portion of which were also adulterated. The articles were labeled in part: "Porker Digester Tankage" or "Honeymeade Meat Scraps." The labels of the articles bore further statements, the material portions of which are hereinafter quoted.

Adulteration was alleged with respect to portions of the said meat scraps for the reason that substances, hoof meal and bone meal, had been substituted in part for meat scraps; in that hoof meal and bone meal had been mixed, and packed with the said meat scraps so as to reduce and lower and injuriously affect its quality and strength; and in that hoof and bone meal had been mixed with the article in a manner whereby its damage and inferiority were concealed. Adulteration was alleged with respect to portions of the digester tankage for the reason that substances, namely, hoof meal in one lot, ground leather scraps in certain lots, ground leather scraps and hoof meal in certain lots, and cocoa shells in certain lots, had been substituted for the said article; and in that one or more of said substances had been mixed and packed with the article so as to lower and reduce and injuriously affect its quality and strength. Adulteration was alleged with respect to one lot of the said tankage for the further reason that hoof meal had been mixed with the article in a manner whereby damage and inferiority were concealed.

Misbranding was charged against all shipments of the articles for the reason that certain statements appearing on the tags attached to the bags containing the articles were false and misleading in that the said statements

represented that the articles were composed solely of the ingredients stated on the labels, and that they contained the amount of protein and fat declared, and for the further reason that they were labeled so as to deceive and mislead the purchaser into the belief that they were composed solely of the ingredients stated on the labels and that they contained the amount of protein and fat declared; whereas the various lots of the articles failed to conform to the labels in the following respects: Portions of the said meat scraps were labeled "Packer Products Company, of Chicago, Ill., Guarantees this Honeymeade Meat Scraps to contain not less than * * * 50.0 per cent of crude protein * * * and to be compounded from the following ingredients: Meat and Bone Residue," whereas the article contained less than 50 per cent of crude protein and was compounded in part of hoof meal and bone meal; a portion of the said meat scraps was labeled, "50% Protein Meat Scraps Guaranteed Analysis * * * Protein—50%," whereas it contained less than 50 per cent of protein; a portion of the said digester tankage was labeled, "Packer Products Company, of Chicago, Ill., Guarantees this Porker Brand 60% Protein Digester Tankage to contain not less than * * * 60.0 Per cent of crude protein * * * and to be compounded from the following ingredients: Meat and Bone Residue," whereas the article contained less than 60 per cent of crude protein, and was compounded in part of hoof meal; a portion of the said tankage was labeled, "60% Digester Tankage, Crude Fat 6% Crude Protein 60% * * * Ingredients Meat and Bone Residue," whereas it contained less than 60 per cent of crude protein, less than 6 per cent of crude fat and was composed in part of hoof meal and cocoa shells; portions of the tankage were labeled, "Digester Tankage * * * Ingredients Meat & Bone Residue," whereas they were composed in part of other substances, namely, ground leather scraps, cocoa shells or ground leather scraps and hoof meal; portions were labeled, "Packer Products Company, * * * Guarantees this * * * Digester Tankage * * * to be compounded from the following ingredients: Meat and Bone Residue," whereas it was composed in part of ground leather scraps, and a portion of the said tankage was labeled, "60% Digester Tankage Guaranteed Analysis * * * Crude Protein 60% * * * Ingredients Meat & Bone Residue," whereas it contained less than 60 per cent of crude protein, and was composed in part of ground leather scraps.

On March 8, 1932, a plea of guilty to each information was entered on behalf of the defendant company, and the court imposed a fine of \$360 in one case and \$200 in the other.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19255. Misbranding of canned peas. U. S. v. 1,500 Cases of Canned Peas. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27210. I. S. No. 40300. S. No. 5372.)

Samples of canned peas from the shipment herein described were found to fall below the legal standard for the article, in that they did not have the normal flavor of canned peas and contained an excessive proportion of hard peas.

On November 3, 1931, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1,500 cases of canned peas, remaining in the original and unbroken packages at Minneapolis, Minn., alleging that the article had been shipped on or about September 12, 1931, by the Wabash Canning Corporation, from Wabash, Ind., and had been transported in interstate commerce from the State of Indiana into the State of Minnesota, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cans) "White Cloud Brand * * * Early June Peas * * * Packed * * * by the Wabash Canning Corporation, Wabash, Ind."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, in that it was not normally flavored and contained an excessive amount of hard peas, and the packages or labels did not bear a plain and conspicuous statement as prescribed by the Secretary of Agriculture, indicating that it fell below such standard.

On February 25, 1932, the Wabash Canning Corporation, Wabash, Ind., claimant, having filed a written appearance and answer admitting all the

material allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$3,000, conditioned in part that it should not be sold or otherwise disposed of contrary to the provisions of the food and drugs act or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19256. Adulteration and misbranding of strawberry cream sandwich. U. S. v. 72 Cartons of Strawberry Cream Sandwich. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 24738. I. S. No. 027784. S. No. 3086.)

Examination of a baker's confection, known as strawberry cream sandwich, showed that the article contained little or no strawberry fruit, strawberry juice, or strawberry flavor, and that the artificial color contained in the article was not properly declared.

On April 26, 1930, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 72 cartons of the said strawberry cream sandwich, remaining in the original unbroken packages at Jersey City, N. J., alleging that the article had been shipped by the Loose-Wiles Biscuit Co., from Long Island City, N. Y., on or about January 20, 1930, and had been transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part, (retail package) "Sunshine Strawberry Cream Sandwich Delicious shortcake encasing delightfully flavored velvety strawberry cream. Artificially Colored and Flavored * * * Loose-Wiles Biscuit Company. * * * New York, N. Y.," together with a cut showing one of the cakes bearing design of a strawberry.

It was alleged in the libel that the article was adulterated in that a substance artificially colored and containing little or no strawberry or strawberry juice, and containing little or no strawberry flavor, either natural or artificial, had been substituted for strawberry cream sandwich which the article purported to be. Adulteration was alleged for the further reason that the article was colored with artificial color in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statement, "Strawberry Cream Sandwich," borne on the packages, was false and misleading and deceived and misled the purchaser, since the said statement represented that the article contained a substantial amount of strawberry or strawberry juice, whereas it was artificially colored and contained little or no strawberry or strawberry juice. Misbranding was alleged for the further reason that the statement "Strawberry Cream Sandwich" in large conspicuous type, borne on the said package, was not corrected by the statement "Artificially colored and flavored," appearing on the package, since the latter statement was in small, inconspicuous, and practically unnoticeable type. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, and the word "Imitation" was not stated on the cartons and packages.

On March 30, 1931, by consent of the owners, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19257. Adulteration of cream. U. S. v. Four 10-Gallon Cans, et al., of Cream. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 27276, 27277, 27278, 27287, 27304. I. S. Nos. 46007, 46008, 46009, 46010, 46011, 46012. S. Nos. 5464, 5466, 5486, 5494.)

Examination of the cream in the shipments herein described having shown the product to contain formaldehyde, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Florida.

On November 23, 1931 and December 4, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of sixteen 10-gallon cans of cream, in part at the following points in Florida: Tampa, St. Petersburg, Hialeah, and Orlando, and remaining in the original unbroken packages at said points. It was

alleged in the libels that the article had been shipped in various consignments on or about November 4, 1931, November 12, 1931, and November 18, 1931, by the Eatonton Creamery (Inc.), from Eatonton, Ga., into the State of Florida, and that it was adulterated in violation of the food and drugs act. The article was labeled in part: "From Eatonton Creamery, Inc., Eatonton, Georgia, Pasteurized Cream produced in Georgia."

Adulteration was alleged in the libels filed with respect to portions of the article for the reason that a deleterious ingredient, formaldehyde, which might have rendered it injurious to health, had been added to and substituted for the said article. Adulteration was alleged in the libel filed with respect to eight 10-gallon cans of the article for the reason that formaldehyde had been substituted for cream, and in that the article contained an added poisonous or deleterious ingredient, formaldehyde, which might have rendered it injurious to health.

On January 6, 1932 and January 9, 1932, no claimant having appeared for the property, decrees of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19258. Adulteration and misbranding of tomato catsup. U. S. v. 8½ Cases of Tomato Catsup. No claim entered. Verdict for Government. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 26906. I. S. No. 27206. S. No. 4549.)

Examination of samples of tomato catsup from the shipment herein described having shown that the article was artificially colored and was also decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Louisiana.

On August 22, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 8½ cases of tomato catsup at De Ridder, La., alleging that the article had been shipped by the Ozark Mountain Canning Co., from Bentonville, Ark., on or about November 18, 1930, and had been transported in interstate commerce from the State of Arkansas into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Mid-Mountain Brand Tomato Catsup * * * coloring added Mid-Mountain Fruit Co., Bentonville, Arkansas."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding was alleged for the reason that the statement "Tomato Catsup" was false and misleading and deceived and misled the purchaser, since the said article was artificially colored tomato catsup on which the declaration of added color was inconspicuous.

On December 14, 1931, no claimant having appeared for the property and a jury having found that the allegations of the libel were true and correct, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19259. Adulteration of rabbits. U. S. v. 65 Rabbits. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27303. I. S. No. 41421. S. No. 5480.)

Rabbits taken from the shipment herein described having been found to be partly decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On November 30, 1931, the United States attorney filed in the District Court of the United States aforesaid a libel praying seizure and condemnation of 65 rabbits at Chicago, Ill., alleging that the rabbits had been shipped by the M. F. A. Exchange, from Rutledge, Mo., to Chicago, Ill., on or about November 19, 1931, and had been transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On January 11, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19260. Adulteration of walnut meats. U. S. v. 8 Cases of Walnut Meats. Default decree of destruction. (F. & D. No. 27232. I. S. No. 31511. S. No. 5414.)

Samples of walnut meats from the shipments herein described having been found to be partly decomposed, wormy, and moldy, the Secretary of Agriculture reported the matter to the United States attorney for the District of Utah.

On November 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of eight cases of walnut meats, remaining in the original and unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped in part on or about September 30, 1931, and in part on or about October 14, 1931, by Leon Mayer, from Los Angeles, Calif., and had been transported in interstate commerce from the State of California into the State of Utah, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cases) "Mayers Brand Walnuts Special Standard Amber."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed, filthy, and putrid vegetable substance.

On January 16, 1932, no claimant having appeared for the property, judgment was entered finding the product adulterated and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19261. Adulteration of puree of mushrooms. U. S. v. 3 Cases of Puree of Mushrooms. Default decree of destruction. (F. & D. No. 26872. I. S. No. 35245. S. No. 5061.)

Samples of canned puree of mushrooms from the shipments herein described having been found to contain decomposed material, the Secretary of Agriculture reported the facts to the United States attorney for the Southern District of Ohio.

On August 29, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid, a libel praying seizure and condemnation of three cases of puree of mushrooms, remaining in the original and unbroken packages at Columbus, Ohio, alleging that the article had been shipped by the Keystone Mushroom Co. (Inc.), from Coatesville, Pa., in part on or about January 26, 1931, and in part on or about February 23, 1931, and had been transported from the State of Pennsylvania into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Keystone Brand Puree of Mushrooms * * * Packed by Keystone Mushroom Company, Coatesville, Penna."

It was alleged in the libel that the article was adulterated in that it consisted partly of decomposed vegetable substance.

On November 30, 1931, no claimant having appeared for the property, judgment was entered finding the product adulterated and ordering that it be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19262. Adulteration of celery. U. S. v. 161 Crates of Celery. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26497. I. S. No. 35639. S. No. 4812.)

Excessive deposits of arsenic having been found on samples of celery taken from the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On June 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 161 crates of celery at Chicago, Ill., alleging that the article had been shipped by Sanford-Oviedo Truck Growers (Inc.), from McAvon Park (Avon Park), Fla., on or about May 27, 1931, and had been transported from the State of Florida into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Rex Beach Auto-graph Brand Finest Grade Celery Rex Beach Farms, Avon Park, Florida."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous and deleterious ingredient, to wit, arsenic, in an amount which might have rendered it injurious to health.

On October 12, 1931, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19263. Adulteration of canned prunes. U. S. v. 90 Cases, et al., of Canned Prunes. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25951, 25956. I. S. Nos. 16467, 16469. S. Nos. 4200, 4213.)

Samples of canned prunes from the shipment herein described having been found to be partially decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Middle District of Tennessee.

On February 24 and February 26, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 220 cases of canned prunes, remaining in the original unbroken packages at Nashville, Tenn., alleging that the article had been shipped by Paulus Bros. Packing Co., Salem, Oreg., on or about November 22, 1930, and had been transported from the State of Oregon into the State of Tennessee, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Red Tag Choice Fresh Oregon Prunes * * * Select Pacific Coast fruits Paulus Bros. Packing Co., Salem, Oregon."

It was alleged in substance in the libels that the article was adulterated in violation of section 7, paragraph 6, under food of the said act, in that the said article was partially decomposed.

On October 12, 1931, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19264. Adulteration and misbranding of V-Nilla. U. S. v. Walter F. Seidel and Louis A. Seidel (Ad. Seidel & Sons). Pleas of guilty. Fine, \$300. (F. & D. 22544. I. S. 74-X.)

Examination of a food product, known as V-Nilla, from the shipment herein described showed that the article was an imitation product artificially colored, flavored with vanillin and coumarin, and containing little, if any, vanilla.

On May 17, 1928, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Walter F. Seidel and Louis A. Seidel, copartners trading as Ad. Seidel & Sons, Chicago, Ill., alleging shipment by said defendants in violation of the food and drugs act, on or about September 1, 1926, from the State of Illinois into the State of California, of a quantity of V-Nilla that was adulterated and misbranded. The article was labeled in part: "V-Nilla A highly concentrated flavoring agency embodying the aromatic essentials of Vanilla Beans. * * * Manufactured By Ad. Seidel & Sons Manufacturing Food Chemists * * * Chicago, U. S. A. * * * For making V-Nilla into an Extract. * * * This makes one gallon of extract."

It was alleged in the information that the article was adulterated in that an imitation vanilla sugar, largely composed of sugar, vanillin, and coumarin, and artificially colored with caramel, had been substituted for vanilla extract which the article purported to be. Adulteration was alleged for the further reason that the article was inferior to vanilla extract, prepared in imitation of vanilla extract, and was artificially colored with caramel so as to simulate the appearance of vanilla extract and in a manner whereby its inferiority to said vanilla extract was concealed.

Misbranding was alleged for the reason that the statements, to wit, "V-Nilla * * * embodying the aromatic essentials of Vanilla Beans," "For making V-Nilla into an Extract," and "This makes one gallon of extract," borne on the labels attached to cans containing the article, were false and misleading in that the said statements represented that the article was a vanilla product embodying the aromatic essentials of vanilla beans, for making vanilla extract; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a vanilla product embodying the aromatic essentials of vanilla beans for making vanilla extract; whereas it was not, but was an artificially colored and artificially flavored imitation vanilla sugar, largely composed of vanilla and coumarin, and which did not contain any product of vanilla embodying the aromatic essentials of vanilla beans, and which would not make an extract of vanilla.

On December 17, 1931, the defendants entered pleas of guilty to the information and the court imposed a fine of \$300.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19265. Adulteration of rabbits. U. S. v. 250 Rabbits. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27331. I. S. No. 45307. S. No. 5514.)

A large portion of the rabbits in the shipment herein described having been found to be decomposed, diseased, and unfit for food, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On December 4, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 250 rabbits at Chicago, Ill., alleging that the article had been shipped by the Frazee Produce Co., from Gorin, Mo., November 26, 1931, and had been transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance, and in that it was the product of diseased animals.

On January 11, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19266. Adulteration of rabbits. U. S. v. 100 Rabbits. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27299. I. S. No. 47901. S. No. 5489.)

Rabbits examined from the shipment herein described having been found to be decomposed and unfit for food, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On November 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of, among others, 100 rabbits at Chicago, Ill. It was alleged in the libel that the said 100 rabbits had been shipped by the Swarthout Feed & Produce Co., La Plata, Mo., November 20, 1931, and had been transported from the State of Missouri into the State of Illinois, and that they were adulterated in violation of the food and drugs act.

Adulteration of the article was charged in the libel in that it consisted in part of a decomposed animal substance.

On January 11, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19267. Adulteration of rabbits. U. S. v. 6 Boxes of Rabbits. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27285. I. S. No. 41420. S. No. 5469.)

Rabbits examined from the shipment herein described having been found to be decomposed and unfit for food, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On November 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of, among others, six boxes each containing approximately 100 rabbits, at Chicago, Ill. It was alleged in the libel that the said six boxes of rabbits had been shipped by J. M. Mickel, from South Gifford, Mo., November 17, 1931, and had been transported from the State of Missouri into the State of Illinois, and that they were adulterated in violation of the food and drugs act.

Adulteration of the article was charged in the libel for the reason that the article consisted in part of a decomposed animal substance.

On January 11, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19268. Adulteration of rabbits. U. S. v. 100 Rabbits. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27284. I. S. No. 44119. S. No. 5468.)

Rabbits examined from the shipment herein described having been found to be decomposed and unfit for food, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On November 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of, among others, 100 rabbits at Chicago, Ill. It was alleged in the libel that the said 100 rabbits had been shipped by Logan & Ammon, from Rutledge, Mo., November 18, 1931, that they had been transported from the State of Missouri into the State of Illinois, and that they were adulterated in violation of the food and drugs act.

Adulteration of the article was charged in that it consisted in part of a decomposed animal substance.

On January 11, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19269. Adulteration of canned prunes. U. S. v. 190 Cases of Canned Prunes. Default decree of destruction. (F. & D. No. 26023. I. S. No. 24930. S. No. 4314.)

Samples of canned prunes from the shipment herein described having been found to be partly decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Minnesota.

On March 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 190 cases of canned prunes, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped on or about October 11, 1930, by Paulus Bros. Packing Co., from Salem, Oreg., and had been transported in interstate commerce from the State of Oregon into the State of Minnesota, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Brookland Fresh Oregon Prunes Packed in Water * * * Select Pacific Coast Fruits Paulus Bros. Packing Co. Salem Oregon U. S. A."

It was alleged in the libel that the article was adulterated in that the product consisted partly of a decomposed vegetable substance.

On November 16, 1931, no claimant having appeared, judgment was entered by the court ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19270. Adulteration of barley mixed oats. U. S. v. 250 Sacks of Barley Mixed Oats, et al. Default decrees of condemnation and sale. (F. & D. Nos. 26277, 26278. I. S. Nos. 26531, 26534. S. No. 4624.)

Samples of barley mixed oats from the shipments herein described having been found to contain added water, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Arkansas.

On April 23, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 500 sacks of barley mixed oats, in part at Haynes, Ark., and in part at Forrest City, Ark., alleging that the article had been shipped on or about April 10, 1931, and April 11, 1931, by Embrey E. Anderson, from Memphis, Tenn., and had been transported from the State of Tennessee into the State of Arkansas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Barley Mixed Oats."

It was alleged in the libels that the article was adulterated in that added water had been mixed and packed with and substituted in part for the said product, thereby lowering and injuriously affecting its quality.

On October 5, 1931, no claimant having appeared for the property, judgments of condemnation were entered, and it was ordered by the court that the product be sold by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19271. Adulteration and misbranding of tomato catsup. U. S. v. 400 Cases of Tomato Catsup. Default decree of destruction entered. (F. & D. No. 26991. I. S. No. 35425. S. No. 5211.)

Examination of samples of tomato catsup from the shipment herein described showed that the articles contained excessive mold and that the quantity of the contents was not plainly and conspicuously marked on the cans containing the article.

On September 24, 1931, the United States attorney for the District of Minnesota, acting upon the report by the Secretary of Agriculture, filed in

the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 400 cases of tomato catsup, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped by the Wm. Craig Canning Co., from Ogden, Utah, on or about September 28, 1930, and had been transported from the State of Utah into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Royal Brand Tomato Catsup." Two statements of weight appeared on the label, the statement, "Contents 12 oz. Net," printed on the original label being over stamped by the words "Contents 6 lbs. 6 oz." This latter statement was not plain and conspicuous, nor was the former obliterated. It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the package bore two conflicting statements.

On December 23, 1931, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19272. Misbranding of canned sardines. U. S. v. 4 Cases and 88 Tins of Canned Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27271. I. S. No. 34087. S. No. 5448.)

Sample cans of sardines taken from the import shipment herein described having been found to be short of the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of New York.

On November 23, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 4 cases and 88 tins of canned sardines, remaining unsold in the original packages at Brooklyn, N. Y., the said article being a part of an import shipment entered at the port of New York on or about October 14, 1931, and reshipped to Brooklyn, N. Y. It was alleged in the libel that the article had been shipped in foreign commerce from Portugal, that it had been received in the borough of Brooklyn, N. Y., on or about November 1, 1931, and that it was misbranded in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Portuguese Skinless and Boneless Sardines in Olive Oil Titbit Brand Net Contents 8 Oz. Extra Quality [embossed on can] Importe du Portugal Packed in Portugal."

Misbranding was alleged in the libel for the reason that the statement "Net Contents 8 Oz." was false and misleading and deceived and misled the purchaser, since the said statement represented that the cans contained not less than 8 ounces net of the said article, whereas they did not contain the amount so represented but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the cans contained less than represented.

On January 22, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19273. Adulteration of canned sardines. U. S. v. 19 Cases of Canned Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27023. I. S. No. 35739. S. No. 5256.)

The canned sardines in the shipment herein described having been found to be diseased and unfit for food, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Oklahoma.

On or about October 5, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 19 cases of canned sardines at Lawton, Okla., consigned by Connors Bros. (Ltd.), alleging that the article had been shipped on or about June 19, 1931, in interstate commerce from Boston, Mass., into the State of Oklahoma, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Brunswick Brand Canadian Sardines in Oil Packed By Connors Bros., Ltd., Black's Harbour, N. B., Canada."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance, and in that it was the product of a diseased animal.

On January 18, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19274. Adulteration of canned tomato puree. U. S. v. 487 Cases and 2,190 Cases of Tomato Puree. Appearance, claim, and answer filed in each case. Product taken down under bond. Adulterated portions ordered destroyed. Remainder released. (F. & D. Nos. 26790, 26815. I. S. Nos. 13218, 13228. S. Nos. 4916, 4988.)

Samples of canned tomato puree from the shipments herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On July 13 and July 29, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid two libels praying seizure and condemnation of 487 cases and 2,190 cases, respectively, of tomato puree, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Woods Cross Canning Co., in part on or about June 13, 1931, from Clearfield, Utah, and in part on or about September 20, 1930, from Woods Cross, Utah, and had been transported from the State of Utah into the State of California, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: (Can) "Clearfield Brand Tomato Puree Packed by Woods Cross Canning Co., Woods Cross, Utah."

It was alleged in the libels that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

The Arthur P. Jacobs Co. (Inc.), Los Angeles, Calif., entered an appearance in the action involving 487 cases of the product, and S. E. Rykoff & Co., a copartnership, Los Angeles, Calif., entered an appearance in the action involving 2,190 cases. The said claimants in their respective answers admitted the material allegations of the libels, prayed that the product be released for separation by means of certain identifying code markings, and filed bonds conditioned that the article should not be sold or otherwise disposed of contrary to the Federal food and drugs act, or other laws. On January 7, 1932, bonds in the total sum of \$3,000 having been filed by the claimants, and the adulterated portions having been separated from the unadulterated portions under the supervision of this department, decrees were entered ordering that the adulterated portions in both actions, consisting of 756 cases and 3 cans be destroyed, and that the remainder consisting of 1,853 cases and 6 cans (the amount seized was somewhat less than the amount covered by the libels), be released to the claimants in the proportion to which they were entitled.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19275. Adulteration of cabbage. U. S. v. 455 Hampers of Cabbage. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27608. I. S. No. 42969. S. No. 5652.)

Arsenic having been found on the cabbage in the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On December 26, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 455 hampers of cabbage, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Manatee Fruit Co., from Palmetto, Fla., on or about December 16, 1931, and had been transported from the State of Florida into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, to wit, arsenic, which might have rendered it injurious to health.

On December 29, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19276. Alleged adulteration of figs. U. S. v. 100 Sacks, et al., of Cull Figs. Claim and answer filed. Case tried to the court. Judgment for claimant. Libel ordered dismissed. Government's petition for appeal to Circuit Court of Appeals allowed. Judgment of lower court affirmed. (F. & D. No. 26091. I. S. Nos. 22017, 22019. S. No. 4430.)

This action involved figs that had been delivered for shipment to a foreign country, and billed as cull figs a large percentage of which were moldy, sour, and insect-infested.

On March 21, 1931, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 2,222 sacks of cull figs at San Francisco, Calif. It was alleged in the libel that the article had been delivered for export to Trieste, Italy, by the Catz American Co. (Inc.), San Francisco, that it was to be loaded on or about March 22, 1931, for shipment in foreign commerce and that it was adulterated in violation of the food and drugs act.

The libel charged that the article was adulterated in that it consisted partly of a filthy, decomposed, or putrid vegetable substance.

The Catz American Co. (Inc.), San Francisco, Calif., entered an appearance and filed a claim and answer. On April 20, 1931, claimant filed an amended answer setting forth in substance that the article was intended for export to Austria, that it had been placed in course of transportation to said foreign country; that it had been prepared and packed according to the directions of the foreign purchaser, and that no substance had been used in the preparation or packing thereof in conflict with the laws of Austria, and prayed release of the goods.

On April 28, 1931, the case came on for hearing before the court and evidence, oral and documentary, having been heard and considered, and the cause having been argued and submitted, the court found as follows (Kerrigan, J.) :

"That the figs, the subject of said libel, are, and at the time of seizure were, in their natural condition, were intended for export to a foreign country, to wit, Austria, and at the time of seizure were on the dock at San Francisco, Calif, in course of transportation to Austria.

"That said figs are the property of claimant, Catz American Co. (Inc.), and were being shipped by said corporation to a buyer thereof in Vienna, Austria.

"That said figs were prepared and packed according to the specifications and directions of the foreign purchaser thereof and that no substance had been used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article was intended to be shipped. In this connection the court finds that said figs were in their natural condition and that no substance had been used in the preparation or packing thereof. That said figs were not sold or offered for sale for domestic use or consumption.

"That said figs are not adulterated under the provisions of the food and drugs act of June 30, 1906.

"From the foregoing findings of fact the court concludes that claimant is entitled to have said figs released, and that said libel should be dismissed."

On May 13, 1931, judgment was entered ordering that the libel be dismissed. On the same date the United States attorney filed a petition for appeal to the Circuit Court of Appeals for the Ninth Circuit which was allowed, and stay of execution of the judgment ordered.

On November 2, 1931, the Circuit Court of Appeals, Circuit Judges Wilbur and Sawtelle and District Judge James sitting, affirmed the judgment of the lower court dismissing the libel. The majority opinion of the court and the dissenting opinion of Judge Sawtelle follow (James, D. J.) :

"Appellant brought its libel in the District Court seeking a decree condemning approximately 2,000 sacks of 'cull' dried figs which were found at the dock in San Francisco ready to be loaded aboard ship, with initial destination Trieste, Italy. It was charged in the libel that the shipment consisted partly of 'filthy, decomposed, or putrid vegetable matter' and was subject to seizure under the food and drugs act.

"The answer of appellee admitted that the figs were 'culls' and that without further segregation or processing they were not fit to be used as food. It was further alleged in the answer that the figs had actually been placed in transit, consigned to a buyer in Austria.

"Trial was had and there was no conflict in the evidence as to matters material to the issues. In brief, appellee, a dealer in dried figs, had prepared the fruit to meet an order for that particular kind and quality of figs,

the order being received from an Austrian manufacturer who processed like fruit to make a coffee flavoring. The figs were wormy in part. Appellee had made shipments of many tons of the same kind of figs to the same buyer during the preceding four years. The District Court found that the facts, under the law appealed to, did not show a cause for the decree demanded. This decision, we believe, was right.

"The Food and Drugs Act (21 U. S. C. A., Sections 1 to 25) contains many provisions respecting adulteration and misbranding of articles of food and drugs, and the shipment of the same in interstate commerce. Section 2 forbids the introduction into any State or Territory from another State or Territory, or from a foreign country, or the shipment to a foreign country of any article of food or drugs adulterated or misbranded within the meaning of the law. This section provides that the offender shall be guilty of a misdemeanor and subject to a fine for the first offense and fine or imprisonment, or both, for a subsequent offense. The concluding portion of the section reads as follows:

No article shall be deemed misbranded or adulterated within the provisions of said sections when intended for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped; but if said article shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not exempt said article from the operation of any of the other provisions of the sections hereinbefore enumerated.

"Section 8 provides that:

For the purposes of Sections 1 to 15, inclusive of this title, an article shall be deemed to be adulterated: * * * Sixth. If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance.

"Section 8, in the part quoted, furnishes the definition of an 'adulterated' article of food. The exception is, as is specified in that portion of section 2 quoted, that articles of food shall not be deemed 'adulterated' when intended for export to a foreign country and prepared or packed according to directions of the foreign purchaser and where no substance is used in the preparation or packing which is in conflict with the laws of the country to which the article is intended to be shipped. Construed together, these provisions seem intended to allow the shipment to a foreign country of products which are not up to the requirements imposed upon interstate shipments where the foreign purchaser has ordered the precise kind and quality which the exporter designs to send to him, so long as the law of the country to which they are being sent does not impose similar restrictions as to substances 'used in the preparation or packing thereof.' The words 'prepared or packed' should be held to mean any condition or grade of the merchandise, including any deteriorated state of the goods, considering the class to which they belong. The law thus interpreted (and we feel that the language used is fairly expressive to the intent indicated), the libel did not show that the merchandise seized was subject to forfeiture.

"The certificate introduced by appellant in the trial court, showing the provisions of an Austrian law as prohibiting certain impure materials being used in coffee admixtures and coffee substitutes, could not have the effect to put the shipper here out of the excepted class, as showing that he had used a substance in the preparation and packing of the fruit 'in conflict with the laws of the country to which the article is intended to be shipped.' (Section 2 above cited.) The manufacturer, upon receiving the figs, might well free them from all the deleterious matter before converting them into coffee flavoring, or he might divert them to other proper uses if they were unfit for such purpose. In the absence of evidence to the contrary, it will be assumed that he will comply with the law of Austria.

"The decree is affirmed."

Sawtelle (Circuit Judge, dissenting):

"I am unable to agree with the majority in the view that the saving provision of section 2 of the Food and Drugs Act protects from seizure shipments of decayed food in its 'natural condition,' to use the expression reiterated by the appellee. The saving provision relates solely to articles 'prepared or packed' according to the directions of the foreign purchaser; it does not authorize shipment of food inherently 'adulterated' by being, according to section 8,

'filthy, decomposed, or putrid.' That section defines the word 'adulterated' as follows:

For the purposes of sections 1 to 15, inclusive, of this title, an article shall be deemed to be adulterated: * * *

Sixth. If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

"The government is not quarreling with the method either of 'packing' or 'preparing' the figs: it is censuring a vice that inheres in the food itself, regardless of its 'packing' or 'preparation,' namely, its essential putridity.

"The word 'prepare' implies the intervention of human agency. It does not mean the mere permission that nature takes its course. Shipping rotten figs in their 'natural condition' is not 'preparing' or 'packing' them.

"The test seems to be: did the 'preparing' or the 'packing,' of itself, cause the condition to which the government is objecting?

"In other words, did the 'preparing' or the 'packing' of the fruit result in its adulteration or decay? We are assuming, for the sake of the argument only, that such preparing and packing were done according to the instructions of the foreign purchaser.

"If it should be found that the putrid condition of the figs was due to the method used in packing or preparing them, the saving provision referred to above applies, and the shipment is not subject to condemnation.

"If, on the other hand, it is ascertained that the fruit was 'adulterated' because of natural decay—in which the hand of man had no part—then the vice complained of may be said to be inherent, and to render the shipment subject to seizure by the government.

"In *Thomas and Wife v. Winchester*, cited by the appellee itself, 6 N. Y. 397, 411, the court thus defined 'prepared':

The word 'prepared' on the label must be understood to mean that the article was manufactured by him, or that it had passed through some process under his hands, which would give him personal knowledge of its true name and quality.

"It may well be asked here, what 'process' was used by the appellee to cause the figs to become decayed? The answer is found in the appellant's own statement, that the fruit was shipped in its 'natural condition.' Therefore there was no 'preparation' on appellee's part.

"Whatever might be the government's action against the shipper, its suit here is against the shipment; and in such a case the construction is strict as against the shipment:

The rule of strict construction [in favor of the allegedly offending shipper] invoked by the defendant in error has little or no application to statutes designed to promote the public health or public safety. *A. O. Anderson & Co. v. United States* (C. C. A. 9), 284 F. 542, 543.

"Finally, the record shows that the law of Austria does 'impose similar restrictions as to substances "used in the preparation and packing"' of 'products which are not up to the requirements imposed upon interstate shipments,' even if the foreign consignee 'has ordered the precise kind and quality which the exporter designs to send to him':

Other ground coffee admixtures and coffee substitutes. These products must contain no coarse fragments, coming from stems or cores and the like of the products used for this purpose, and must be free from molds, insects, and their maggots. (Official Compilation of the Regulations of the Republic of Austria on Alimentary Foods, published by the Austrian Federal Ministry of Social Administration, Public Health Office, in Vienna.)

"The majority of the court seeks to answer this objection, at the conclusion of its opinion, by assuming that the 'manufacturer, upon receiving the figs, might well free them from all the deleterious matter before converting them into coffee flavoring, or he might divert them to other proper uses if they were unfit for his purposes.'

"I do not think that the jurisprudence under the statute authorizes such an assumption. It is true that the cases that I am about to cite deal with interstate and not foreign shipments; but since it is admitted that this is a case of first impression, the reasoning in those cases can properly, by analogy, be extended to the case at bar.

"We are here concerned with the condition of the shipment as it leaves our shores, and not with what may be done to the merchandise after it has arrived at its foreign destination.

"In *United States v. Thirteen Crates of Frozen Eggs* (C. C. A. 2), 215 F. 584, 585, the court said:

The question of intent of either the shipper or the consignee has nothing to do with the question.

"In the lower court, in that case, the 'intent' of both the shipper and the consignee was clearly shown, but such intent did not prevent the condemnation of the shipment:

Eggs in this condition may be sold and used as an article of food, or for tanning purposes (that is, for use in the tanning of leather), and claimant had sold eggs of this description, selected and segregated at the same time as these, to a tannery or tanning firm located and doing business at a point not far distant from Chicago for tanning purposes. It had not shipped or sold any of its eggs of this description to be used and consumed as an article of food and did not contemplate doing so. (208 F. 950, 951.)

"As was said by the district judge in that case, 'the purpose of Congress was to prohibit the transportation of articles in interstate commerce which come within the definition given in the statute and make them subject to seizure and condemnation if so transported.' See also *United States v. Two Barrels of Desiccated Eggs*, 185 F. 302; *Union Dairy Co. v. United States* (C. C. A. 7), 250 F. 231, 233; *United States v. Ninety-four Dozen, More or Less, Half-Gallon Bottles Capon Springs Water*, 48 F. (2d) 378, 379, 381.

"In *Hipolite Egg Co. v. United States*, 220 U. S. 45, 52, 55, the Supreme Court branded as 'untenable' the egg company's contention that 'Section 10 of the food and drugs act does not apply to an article of food which has not been shipped for sale, but which has been shipped solely for use as raw material in the manufacture of some other product.'

"The object of the law,' the court said, 'is to keep adulterated articles out of the channels of interstate commerce, or, if they enter such commerce, to condemn them while being transported or when they have reached their destination, provided they remain unloaded, unsold, or in original unbroken packages.'

"On page 58 of the opinion, the Supreme Court brands articles debased by adulteration as being 'outlaws of commerce.'

"This apt characterization fits a shipment of wormy figs, and the fact that such shipment is destined for a foreign port does not divest it of its outlaw nature.

"Accordingly, I am of the opinion that the decree should be reversed."

On December 7, 1931, the Government's petition for a rehearing was denied.

ARTHUR M. HYDE, *Secretary of Agriculture*.

19277. Adulteration and misbranding of gray shorts with ground wheat screenings. U. S. v. 300 Sacks of Gray Shorts with Ground Wheat Screenings. Decree of condemnation. Product released under bond. (F. & D. No. 27297. I. S. No. 44629. S. No. 5458.)

The so-called gray shorts with ground wheat screenings involved in the herein-described shipment having been found to consist of brown shorts, and to contain more crude fiber than labeled, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Missouri.

On November 28, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 300 sacks of the said alleged gray shorts with ground wheat screenings at Windsor, Mo., alleging that the article had been shipped by the Larabee Flour Mills Corporation, Kansas City, Mo., from Hutchinson, Kans., on or about September 29, 1931, and had been transported from the State of Kansas into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Winter Wheat Gray Shorts with Ground Wheat Screenings Manufactured by Larabee Flour Mills Co., Kansas City, Mo., Guaranteed Analysis * * * Crude Fibre Not More than 6%."

It was alleged in the libel that the article was adulterated in that a substance, brown shorts, had been substituted for the said article.

Misbranding was alleged for the reason that the statements on the label, "Gray Shorts with Ground Wheat Screenings," and "Crude Fibre Not More than 6 Percent," were false and misleading, and deceived and misled the purchaser, since the article consisted wholly of brown shorts and contained more than 6 per cent of fiber. Misbranding was alleged for the further reason

that the article was sold under the distinctive name of another article, namely, wheat gray shorts with ground wheat screenings.

On December 5, 1931, the Larabee Flour Mills Co., Kansas City, Mo., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered. The claimant having paid the costs of the proceedings and having executed a bond in the sum of \$500, conditioned that the product should not be sold or otherwise disposed of contrary to the Federal food and drugs act, or the laws of any State, Territory, district, or insular possession, it was ordered by the court that the product be released to the said claimant.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19278. Adulteration and misbranding of butter. U. S. v. 10 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 27842. I. S. No. 27269. S. No. 5491.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On November 19, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Producers Creamery Co., from Clinton, Mo., on November 6, 1931, and had been transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, since it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article was sold and shipped as butter, which was false and misleading in that it contained less than 80 per cent of milk fat.

On November 19, 1931, Land O'Lakes Creameries (Inc.), Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant for reworking, under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$400, conditioned in part that it should not be sold or disposed of contrary to the provisions of the food and drugs act, or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19279. Adulteration and misbranding of butter. U. S. v. 13 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 27883. I. S. No. 27263. S. No. 5490.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On November 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 13 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by Swift & Co., from Marshall, Minn., November 3, 1931, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, since it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article was sold and shipped as butter, which was false and misleading, since it contained less than 80 per cent of milk fat.

On December 7, 1931, Swift & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant for reworking, under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or disposed of contrary to the provisions of the food and drugs act, or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19280. Adulteration of lima beans. U. S. v. 77 Cases of Lima Beans. Consent decree of forfeiture and destruction. (F. & D. No. 26956. I. S. No. 40201. S. No. 5168.)

Samples of canned lima beans involved in this action were found to contain sand burrs, weed seeds, and other foreign substances. The article had been shipped from Wisconsin to Missouri and had been returned to the original shipper, the Poynette Canning Co., Poynette, Wis.

On September 11, 1931, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 77 cases of lima beans, remaining in the original unbroken packages at Poynette, Wis., alleging that the article had been shipped on or about April 9, 1930, by the Stocker-Hausman Co., from St. Louis, Mo., and had been transported in interstate commerce from the State of Missouri into the State of Wisconsin, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Green Dell Brand Medium Green Lima Beans * * * Poynette Canning Co., Poynette, Wis."

It was alleged in the libel that the article was adulterated in that sand burrs, weed seeds, foreign stems, and other foreign substances had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted partly for the said article.

On September 26, 1931, by consent of the owner, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19281. Adulteration and misbranding of salad oil. U. S. v. 48 Cartons of Salad Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23961. I. S. No. 08189. S. No. 2187.)

Examination of samples of salad oil from the shipment herein described having shown that the article contained undeclared added color and was short weight, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of New York.

On August 19, 1929, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 48 cartons of salad oil, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped by Van Camp Packing Co., of Louisville, Ky., from Cincinnati, Ohio, on July 1, 1929, and had been transported from the State of Ohio into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Contadina Brand Oil—Pure Vegetable Salad Oil—Five Gallons Net—Contadina Oil Co., New York."

Adulteration was alleged in the libel for the reason that an artificially colored oil had been substituted for the article.

Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, pure vegetable salad oil, since it was not pure vegetable salad oil in that it contained undeclared artificial color; misbranding was alleged for the further reason that the statement "Five Gallons Net" was false and misleading and deceived and misled the purchaser, and for the further reason

that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 30, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19282. Misbranding and alleged adulteration of gray wheat shorts with wheat screenings. U. S. v. 1,000 Sacks of Wheat Shorts. Product adjudged misbranded. Released under bond to be retagged. (F. & D. No. 27292. I. S. Nos. 36354, 36355. S. No. 5465.)

Samples of feed taken from the shipments herein described having been found to consist of brown shorts and to contain more fiber than labeled, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Missouri.

On November 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1,000 sacks of alleged wheat shorts with wheat screenings at Springfield, Mo., alleging that the article had been shipped in part on or about August 8, 1931, and in part on or about August 15, 1931, by the Kansas Mill & Elevator Co., from Arkansas City, Kans., and had been transported in interstate commerce from the State of Kansas into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "100 lbs. Net Gray Wheat Shorts with Wheat Screenings * * * Fibre not more than 5.5 per cent. Manufactured by the Kansas Mill and Elevator Co. * * * Arkansas City, Kansas."

It was alleged in the libel that the article was adulterated in that brown shorts had been substituted wholly for gray shorts with wheat screenings.

Misbranding was alleged for the reason that the statements, "Gray Wheat Shorts with Wheat Screenings" and "Fibre not more than 5.5 per cent," were false and misleading and deceived and misled the purchaser, since the product consisted wholly of brown shorts, and contained more than 5.5 per cent of fiber; misbranding was further alleged in that it was sold under the distinctive name of another article, to wit, gray wheat shorts with wheat screenings.

On February 20, 1932, the Kansas Mill & Elevator Co., Arkansas City, Kans., having admitted the allegations of the libel, and having consented to condemnation and forfeiture of the property, a decree was entered adjudging the product misbranded, and it was ordered by the court that the said product be delivered to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or disposed of until retagged "Brown Wheat Shorts and Screenings," and further conditioned that it should not be sold contrary to the provisions of the food and drugs act or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19283. Adulteration of butter. U. S. v. Earl McPeak. Plea of guilty. Fine, \$20. (F. & D. No. 26615. I. S. Nos. 036596, 036598.)

Samples of butter from the shipments herein described having been found to contain less than 80 per cent of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Wisconsin.

On August 28, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Earl McPeak, Manawa, Wis., alleging shipment by said defendant, in violation of the food and drugs act, on or about June 24, 1930, from the State of Wisconsin into the State of Illinois, of quantities of butter that was adulterated.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat, in that it contained less than 80 per cent by weight of milk fat, had been substituted for butter, a product which must contain not less than 80 per cent by weight of milk fat as required by the act of March 4, 1923, which the article purported to be.

On November 4, 1931, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$20.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19284. Adulteration of evaporated apples. U. S. v. William Austin Claypool and Forrest Felix Hazel (Claypool & Hazel). Pleas of guilty. Fines totaling \$26. (F. & D. No. 26553. I. S. Nos. 10455, 13757, 13937, 23995.)

The evaporated apples in the four consignments covered by this action were found to contain excessive moisture, and two of the shipments showed evidence of worm infestation.

On July 6, 1931, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against William Austin Claypool and Forrest Felix Hazel, copartners, trading as Claypool & Hazel, Springdale, Ark., alleging shipment by said defendants, in violation of the food and drugs act, in various consignments on or about October 16, 1930, from the State of Arkansas into the State of Illinois; on or about October 4, 1930 and January 31, 1931, from the State of Arkansas into the State of Missouri, and on or about February 2, 1931, from the State of Arkansas into the State of Oklahoma, of quantities of evaporated apples which were adulterated. A portion of the article was labeled in part: "Good Knight Brand Evaporated Apples Claypool & Hazel Springdale, Ark." The remainder of the said article was labeled in part: "Morning Glory Brand Evaporated Apples Packed by Claypool & Hazel."

Adulteration was alleged in the information with respect to a portion of the article for the reason that an added substance, to wit, an excessive proportion of water, had been substituted in part for the said article. Adulteration was alleged with respect to the remainder of the article for the reason that insufficiently evaporated apples had been substituted for the article, and in that it consisted in part of a filthy and putrid vegetable substance.

On December 22, 1931, the defendants entered pleas of guilty to the information, and the court imposed fines aggregating \$26.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19285. Adulteration of canned salmon. U. S. v. 3,300 Cases of Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27069. I. S. Nos. 22371, 22373. S. No. 5309.)

Samples of canned salmon from the shipment herein described having been found to be tainted or stale, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On October 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 3,300 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Pioneer Sea Foods Co., from Cordova, Alaska, on or about August 29, 1931, and had been transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On November 9, 1931, the Pioneer Sea Foods Co., Cordova, Alaska, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned in part that it be sorted under the supervision of this department in order to separate the good portion from the decomposed portion, and further conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, and all other laws. The decree further provided that the adulterated portion be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19286. Adulteration of butter. U. S. v. 25 Cases of Butter. Product released under bond to be reworked. (F. & D. No. 26519. I. S. No. 25088. S. No. 4669.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the District of Minnesota.

On May 5, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 25 cases of butter, remaining in the original and unbroken packages at South St. Paul, Minn., alleging that the article had been shipped on or about April 23, 1931, by the White City Creamery Co., from Mott, N. Dak., and had been transported in interstate commerce from the State of North Dakota into the State of Minnesota, and charging adulteration in violation of the food and drugs act as amended. The article was labeled in part: "Swift's Premium Quality Brookfield Pasteurized Creamery Butter * * * 1 Lb. Net."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat.

The White City Creamery Co., Mott, N. Dak., filed an answer praying release of the property and tendered a bond in the sum of \$500, conditioned that the product be reworked so that it contain not less than 80 per cent of milk fat, and that it should not be sold or disposed of contrary to the provisions of the Federal food and drugs act or other existing laws, and further conditioned that claimant pay all costs of the proceedings. On June 4, 1931, a decree was entered approving the said bond and ordering release of the product.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19287. Adulteration of cabbage. U. S. v. 180 Hampers of Cabbage. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27374. I. S. Nos. 39036, 39037. S. No. 5574.)

Arsenic and lead having been found on samples of cabbage taken from the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On December 15, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 180 hampers of cabbage, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the South Carolina Produce Association, from Meggett, S. C., on or about December 7, 1931, and had been transported from the State of South Carolina into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, to wit, arsenic and lead, which might have rendered it injurious to health.

On December 16, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19288. Adulteration of canned frozen mixed eggs. U. S. v. Standard Brands (Inc.). Plea of guilty. Fine, \$200. (F. & D. No. 26682. I. S. No. 26420.)

Samples of canned frozen mixed eggs from the shipment herein described having been found to be putrid, sour, or stale, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On October 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Standard Brands (Inc.), a corporation, trading at Chicago, Ill., alleging shipment by said company, in violation of the food and drugs act, on or about January 28, 1931, from the State of Illinois into the State of Ohio, of a quantity of canned frozen mixed eggs that were adulterated. The article was labeled in part: (Can) "Frozen Fleishmann's Spring Laid Eggs, Distributed by Standard Brands Incorporated, New York City."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy, decomposed, and putrid animal substance.

On December 16, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19289. Adulteration of figs. U. S. v. 75 Boxes of Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27337. I. S. 37890. S. No. 5518.)

Samples of figs from the shipment herein described having been found to be wormy, moldy, and sour, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On December 7, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 75 boxes of figs, remaining in the original unbroken packages at Allentown, Pa., alleging that the article had been shipped on or about October 17, 1931, by the California Packing Co., from Fresno, Calif., and had been transported from the State of California into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Roeding's California Figs."

Adulteration was alleged in the libel for the reason that the product consisted in part of a filthy and decomposed vegetable substance.

On January 5, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19290. Adulteration of canned cherries. U. S. v. Paulus Bros. Packing Co. Plea of guilty. Fine, \$50. (F. & D. No. 26636. I. S. Nos. 16141, 16148.)

Samples of canned cherries from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Oregon.

On October 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Paulus Bros. Packing Co., a corporation, Salem, Oreg., alleging shipment by said company, in violation of the food and drugs act, on or about January 5, 1931, from the State of Oregon into the State of Maryland, of a quantity of canned cherries that were adulterated. The article was labeled in part: "White Tag Pitted Royal Anne Cherries * * * Paulus Bros. Packing Co. Salem, Oregon."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy, decomposed, and putrid vegetable substance.

On November 10, 1931, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$50.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19291. Misbranding of cottonseed cake. U. S. v. 179 Sacks of Cottonseed Cake. Default decree of condemnation and forfeiture, to be relabeled for sale. (F. & D. No. 27002. I. S. No. 17578. S. No. 5217.)

Samples of cottonseed cake from the shipment herein described having been found to contain less protein than labeled, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Mexico.

On October 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 179 sacks of cottonseed cake, remaining in the original packages at Carizozo, N. Mex., alleging that the article had been shipped on or about April 9, 1931, by the El Paso Refining Co., from El Paso, Tex., and had been transported in interstate commerce from the State of Texas into the State of New Mexico, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Sacks) "100 lbs. Net 43% Protein Cottonseed Cake Prime Quality Manufactured by El Paso Refining Co. El Paso Texas. Guaranteed Analysis Crude Protein not Less than 43%."

It was alleged in substance in the libel that the article was misbranded in that the statements, "43% Protein" and "Crude Protein not Less than 43%," appearing on the label of the sacks, were false and misleading.

On November 24, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be relabeled by the United States marshal, under the direction of the Department of Agriculture, to show the true contents of protein therein, and sold at public auction.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19292. Adulteration of apples. U. S. v. Joseph W. Fox. Plea of guilty. Fine, \$25. (F. & D. No. 25723. I. S. No. 16751.)

Arsenic and lead having been found on apples taken from the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the District of Utah.

On August 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Joseph W. Fox, Norberg, Utah, alleging shipment by said defendant, in violation of the food and drugs act, on or about October 6, 1930, from the State of Utah into the State of Wyoming, of a quantity of apples that were adulterated.

Adulteration was alleged in the information for the reason that the article contained added poisonous and deleterious ingredients, to wit, arsenic and lead, which might have rendered it injurious to health.

On January 16, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19293. Misbranding of butter. U. S. v. Reuben Cohen (C. & P. Butter Printing Co.). Pleas of guilty. Fines, \$100. (F. & D. Nos. 25701, 26578. I. S. Nos. 021079, 15521.)

Examination of samples of butter from the shipments herein described having shown that a large proportion of the cartons examined contained less than the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On October 19, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid two informations against Reuben Cohen, trading as C. & P. Butter Printing Co., New York, N. Y., alleging shipment by said defendant, in violation of the food and drugs act as amended, in part on or about August 19, 1929, and in part on or about January 13, 1931, from the State of New York into the State of New Jersey, of quantities of butter that was misbranded. The article was labeled in part: (Carton) "One Pound Net Weight Valley Farm Print Butter. M. Klahr & Co., Distributors, Paterson, New Jersey." The product in one of the consignments consisted of cubes inclosed in wrappers labeled in part: "4 Ounces Net."

It was alleged in the informations that the article was misbranded in that the statement "One Pound Net Weight," borne on the cartons, and the statement "4 Ounces Net," borne on the wrappers inclosing the cubes in one of the shipments, were false and misleading in that the said statements represented that the cartons each contained 1 pound net, and that the said wrappers inclosed 4 ounces net of butter; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the cartons each contained 1 pound net, and that the wrappers each inclosed 4 ounces net of butter, whereas the said cartons contained less than 1 pound of the article and the said wrappers inclosed less than 4 ounces net of the article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statements made were incorrect.

On January 11, 1932, the defendant entered pleas of guilty to the informations, and the court imposed fines totaling \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19294. Adulteration of canned salmon. U. S. v. 436 Cases of Canned Salmon. Decree of condemnation entered. Product released under bond. (F. & D. Nos. 27416, 27417, 27418, 27575, 27576, 27577, 27578, 27579. I. S. No. 47161. S. No. 5594.)

Samples of canned salmon from the shipment herein described having been found to be tainted or stale, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Louisiana.

On December 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 436 cases of canned salmon, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by McGovern & McGovern, Seattle, Wash., on or about August 15, 1931, and had been transported from the State of Washington into the State of Louisiana, and charging adulteration in violation of the food and drugs act. The article

was labeled in part: "See Flyer Brand Alaska Pink Salmon * * * Distributed by McGovern & McGovern, Seattle, U. S. A."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On February 16, 1932, the Wrangell Packing Corporation, Seattle, Wash., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$2,500, conditioned in part that it be shipped to San Francisco, Calif., and reconditioned to conform to Government requirements, and that it should not be sold or disposed of until inspected by a representative of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19295. Adulteration of dried peaches. U. S. v. 75 Boxes of Dried Peaches. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27340. I. S. No. 296. S. No. 5522.)

Samples of dried peaches from the shipment herein described having been found to be insect-infested, moldy, dirty, and decayed, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of South Carolina.

On December 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 75 boxes of dried peaches, remaining in the original unbroken packages at Charleston, S. C., alleging that the article had been shipped on November 21, 1931, by Guggenlime & Co., from San Francisco, Calif., and had been transported from the State of California into the State of South Carolina, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Package) "25 lbs. Net Madrone Brand California Peaches prepared with sulphur dioxide. Guggenlime & Company, California."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On February 4, 1932, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19296. Adulteration of rabbits. U. S. v. 1 Barrel of Rabbits. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27314. I. S. No. 45306. S. No. 5501.)

The rabbits in the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On November 30, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1 barrel of rabbits at Chicago, Ill., alleging that the article had been shipped on November 23, 1931, by T. B. Morris, from Rothville, Mo., and had been transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration was alleged in the libel for the reason that the product consisted in part of a decomposed animal substance.

On January 11, 1932, no claimant having appeared for the property, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19297. Adulteration of rabbits. U. S. v. 91 Rabbits. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27325. I. S. No. 47902. S. No. 5503.)

A large proportion of the rabbits in the shipment herein described having been found to be decomposed, diseased, and unfit for food, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On December 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 91 rabbits contained in 1 barrel at Chicago, Ill., alleging that

the article had been shipped November 23, 1931, by the Zeigler Produce Co., from Fairfield, Iowa, and had been transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed, filthy, and putrid animal substance. Adulteration was alleged for the further reason that the article was the product of diseased animals.

On January 11, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19298. Adulteration of tullibeas. U. S. v. 60 Boxes of Frozen Tullibeas. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27318. I. S. No. 34099. S. No. 5505.)

Samples of tullibeas from the shipment herein described having been found to be infested with worms and unfit for food, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On December 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 60 boxes of frozen tullibeas, remaining in the original unbroken packages at New York, N. Y., having been imported from Canada, alleging that the article had been shipped by the Nordic Fish Co., from Winnipeg, Manitoba, on or about May 28, 1931, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance, and in that it was a portion of an animal unfit for food.

On January 4, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19299. Adulteration of canned salmon. U. S. v. 720 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27333. I. S. No. 12634. S. No. 5521.)

Samples of canned salmon from the shipment herein described having been found to be tainted or stale, the Secretary of Agriculture reported the matter to the United States attorney for the District of Oregon.

On December 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 720 cases of canned salmon, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by Libby, McNeill & Libby, from Seattle, Wash., in part on or about October 29, 1931, and in part on or about November 16, 1931, and had been transported in interstate commerce from the State of Washington into the State of Oregon, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Happy Vale Brand Pink Salmon. Packed for Emery Food, Chicago, U. S. A."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On December 24, 1931, Libby, McNeill & Libby, Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or disposed of contrary to the provisions of the food and drugs act, and all other laws. The decree further provided that the product be sorted, under the supervision of this department, in order to separate the unadulterated portion from the portion which was decomposed, and that the latter be destroyed in the process of such separation.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19300. Adulteration of canned chicken soup with noodles. U. S. v. 14 Boxes, Each Containing 24 Cans of Chicken Soup with Noodles. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26993. I. S. No. 31270. S. No. 5218.)

Examination of samples of chicken soup from the shipment herein described having shown the presence of beetles and larvae, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On September 24, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 14 boxes, each containing 24 cans of chicken soup with noodles, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped on or about August 11, 1931, by Pure Food Factory Hansa from Mamaroneck, N. Y., and had been transported from the State of New York into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Westchester Brand Chicken Soup with Noodles * * * packed by Pure Food Factory, Hansa Mamaroneck, New York, U. S. A."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy and putrid animal or vegetable substance.

On March 10, 1932, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19301. Adulteration and misbranding of butter. U. S. v. Winona Creamery Co. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 25699. I. S. No. 6310.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Mississippi.

On April 22, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Winona Creamery Co., a corporation, Winona, Miss., alleging shipment by said company, in violation of the food and drugs act, on or about July 10, 1930, from the State of Mississippi into the State of Louisiana, of a quantity of butter that was adulterated and misbranded. The article was labeled in part: "Brookfield Pasteurized Creamery Butter * * * Distributed by Swift & Company, U. S. A. * * * Chicago."

It was alleged in the information that the article was adulterated in that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Butter," borne on the package containing the said article, was false and misleading in that the said statement represented that the article was butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by law; whereas it was not, since it contained less than 80 per cent by weight of milk fat.

On December 7, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture*

19302. Adulteration of dressed poultry. U. S. v. Swift & Co. Plea of guilty. Fine, \$150. (F. & D. No. 26685. I. S. No. 12996.)

External examination of the dressed poultry involved in this action showed evidence of emaciation, discoloration, and disease in a large proportion of the fowls examined. Internal examination confirmed the evidence of the diseased conditions; decomposition was also found in certain fowls.

On October 23, 1931, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Swift & Co., a corporation, trading at Portland, Oreg., alleging shipment by said company, in violation of the food and drugs act, on or about April 11, 1931, from the State of Oregon into the State of California, of a quantity of dressed poultry that was adulterated.

It was alleged in the information that the article was adulterated in that it consisted in part of a filthy and decomposed and putrid animal substance, in that it consisted in part of a portion of an animal unfit for food, and in that it was in part the product of a diseased animal.

On December 30, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19303. Adulteration of cabbage. U. S. v. 450 Crates of Cabbage. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27403. I. S. No. 39042. S. No. 5605.)

Arsenic having been found on the cabbage in the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On December 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 450 crates of cabbage, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Chase & Co., from Sanford, Fla., on or about December 14, 1931, and had been transported from the State of Florida into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, to wit, arsenic, which might have rendered it injurious to health.

On December 21, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19304. Adulteration and misbranding of butter. U. S. v. Southern Dairies (Inc.). Plea of nolo contendere. Fine, \$100. (F. & D. No. 26580. I. S. No. 29310.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent by weight of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Tennessee.

On August 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Southern Dairies (Inc.), a corporation, Knoxville, Tenn., alleging shipment by said company, in violation of the food and drugs act, on or about March 8, 1931, from the State of Tennessee into the State of New York, of a quantity of butter that was adulterated and misbranded. The article was labeled in part: "Salt Butter."

Adulteration of the article was alleged in the information for the reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement "Butter," borne on the tubs containing the article, was false and misleading in that the said statement represented that the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, whereas it did not contain 80 per cent by weight of milk fat, but did contain a less amount.

On January 18, 1932, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19305. Misbranding of potatoes. U. S. v. 360 Sacks of Potatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27356. I. S. No. 47294. S. No. 5559.)

Samples of potatoes from the shipment herein described having been found to be below U. S. Grade No. 1, the standard declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On December 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 360 sacks of potatoes, remaining in the original unbroken packages at Dayton, Ohio, alleging that the article had been shipped by Leonard, Crosset & Riley, Greenville, Mich., from McBrides, Mich., on or about November 30, 1931, and had been transported from the State of Michigan into the State of Ohio, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "U. S. Grade Number 1 Good Luck Brand Michigan Potatoes."

It was alleged in the libel that the article was misbranded in that it was labeled, "U. S. Grade Number 1," which label was false and misleading and deceived and misled the purchaser, since it represented that the article was of the standard established in official United States Grade No. 1 for potatoes, whereas it was not, but was of a lower standard and grade.

On December 17, 1931, Leonard, Crosset & Riley (Inc.), Greenville, Mich., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that the statement, "U. S. No. 1," be stricken from the label, and the word "Unclassified," placed on the tag in lieu thereof, and that it should not be sold or otherwise disposed of contrary to the law, State and Federal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19306. Adulteration of canned tuna. U. S. v. Max A. Rex (California Sea Food Co.). Plea of guilty. Fine, \$350. (F. & D. No. 26700. I. S. Nos. 15162, 33831, 33832.)

Samples of canned tuna from the shipments herein described having been found to be tainted or stale, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On January 28, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Max A. Rex, trading as the California Sea Food Co., Los Angeles, Calif., alleging shipment by said company in violation of the food and drugs act, on or about April 28, 1931, from the State of California in part into the State of Tennessee, and in part into the State of New York, of quantities of canned tuna that was adulterated. The article was labeled in part, variously: (Cans) "Results! Brand California Tuna * * * Guaranteed by M. O. Covington Co., Los Angeles, Calif.;" "Caltuna Brand California Tuna * * * Guaranteed by California Sea Food Co. Los Angeles, Calif.;" "Montecito Brand California Tuna * * * Guaranteed by California Sea Food Co. Los Angeles, Calif."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed and putrid animal substance.

On February 23, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$350.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19307. Adulteration of oysters. U. S. v. N. P. Housman Oyster Co. (Inc.). Plea of guilty. Fine, \$100. (F. & D. No. 26702. I. S. Nos. 12276, 23939.)

Samples of oysters from the shipments herein described having been found to contain excessive water, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On January 27, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid an information against N. P. Housman Oyster Co. (Inc.), a corporation, New York, N. Y., alleging shipment by said company, in violation of the food and drugs act, on or about February 16, 1931, from the State of New York into the State of Utah, and on or about February 18, 1931, from the State of New York into the State of Illinois, of quantities of oysters that were adulterated. The article was labeled in part: "From N. P. Housman Oyster Co. * * * New York."

It was alleged in the information that the article was adulterated in that a substance, to wit, excessive water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for oysters, which the said article purported to be.

It was further alleged that the said article was adulterated in that a valuable constituent of the article, to wit, oyster solids, had been in part abstracted.

On February 11, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19308. Adulteration of cabbage. U. S. v. 429 Hampers of Cabbage. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27605. I. S. No. 38864. S. No. 5645.)

Arsenic having been found on samples of cabbage taken from the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On December 23, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 429 hampers of cabbage, remaining in the original and unbroken packages at Boston, Mass., alleging that the article had been shipped by the American Fruit Growers from Perrine, Fla., on or about December 16, 1931, and had been transported in interstate commerce from the State of Florida into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, namely, arsenic, which might have rendered it injurious to health.

On December 29, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19309. Adulteration of butter. U. S. v. 233 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27851. I. S. No. 42702. S. No. 5573.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent by weight of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On December 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 233 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by E. M. Falker (Inc.), Chicago, Ill., on or about November 30, 1931, and had been transported from the State of Illinois into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by the act of March 4, 1923.

The Fox River Butter Co. (Inc.), New York, N. Y., interposed a claim as agent for the owner, Gustafson Bros., Burlington, Iowa, and admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On December 24, 1931, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$6,000, conditioned in part that it be reworked so that it comply with the requirements of the Federal food and drugs act, and all laws, Federal and State.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19310. Adulteration of butter. U. S. v. 24 Tubs of Butter. Consent decree providing for release of product under bond to be reworked. (F. & D. No. 27888. I. S. No. 42443. S. No. 5600.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent by weight of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On December 7, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 24 tubs of butter at Elizabeth, N. J., alleging that the article had been

shipped by the Conger Cooperative Creamery Association from Conger, Minn., on or about November 28, 1931, and had been transported in interstate commerce from the State of Minnesota into the State of New Jersey, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by the act of March 4, 1923.

On December 17, 1931, the Conger Cooperative Creamery Association, Conger, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree condemning the product, judgment was entered ordering that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$900, conditioned in part that the said product be reworked so that it contain at least 80 per cent of butterfat, and should not be disposed of until examined and approved by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19311. Adulteration of cabbage. U. S. v. 100 Hampers of Cabbage. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 27375. I. S. No. 37588. S. No. 5575.)

Arsenic having been found on cabbage in the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On December 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 100 hampers of cabbage, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped on or about December 3, 1931, from Palmetto, Fla., by J. C. Courtney, and had been transported from the State of Florida into the State of Maryland, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, to wit, arsenic, which might have rendered it harmful to health.

On December 19, 1931, by consent of the owner, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19312. Adulteration of cabbage. U. S. v. 428 Hampers of Cabbage. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 27405. I. S. No. 37596. S. No. 5608.)

Arsenic having been found on the cabbage in the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On December 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 428 hampers of cabbage, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the South Carolina Produce Association, from Legare, S. C., on or about December 12, 1931, and had been transported from the State of South Carolina into the State of Maryland, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, to wit, arsenic, which might have rendered it harmful to health.

On December 22, 1931, by consent of the owner, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19313. Misbranding of alfalfa leaf meal. U. S. v. Pecos Valley Alfalfa Mill Co. Plea of guilty. Fine, \$100. (F. & D. No. 26538. I. S. No. 10352.)

Samples of alfalfa meal from the shipment herein described having been found to contain less protein than labeled, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Mexico.

On October 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Pecos

Valley Alfalfa Mill Co., a corporation, Hagerman, N. Mex., alleging shipment by said company, in violation of the food and drugs act, on or about October 2, 1930, from the State of New Mexico into the State of Illinois, of a quantity of alfalfa leaf meal that was misbranded. The article was labeled in part: (Tag) "Peevee Alfalfa Leaf Meal * * * Made By Pecos Valley Alfalfa Mill Co. Hagerman, New Mexico Guaranteed Analysis Protein 20%."

It was alleged in the information that the article was misbranded in that the statement, to wit, "Guaranteed Analysis Protein 20%," borne on the tag attached to the sacks containing the article, was false and misleading in that the said statement represented that the article contained not less than 20 per cent of protein; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 20 per cent of protein; whereas it contained less than 20 per cent of protein, to wit, approximately 18.38 per cent of protein.

On January 5, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19314. Misbranding of laying mash. U. S. v. Richard F. Owings & Thaddeus C. Owings (Owings Bros.). Pleas of guilty. Fines of \$100. (F. & D. No. 26551. I. S. No. 18564.)

Samples of laying mash having been found to contain less protein and more crude fiber than labeled, the Secretary of Agriculture reported the matter to the United States attorney for the Middle District of Pennsylvania.

On August 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Richard F. Owings and Thaddeus C. Owings, copartners, trading as Owings Bros., York, Pa., alleging shipment by said defendants on or about February 2, 1931, in violation of the food and drugs act, from the State of Pennsylvania into the State of Maryland, of a quantity of laying mash that was misbranded. The article was labeled in part: (Sack) "June Bug Laying Mash * * * Analysis Min. Protein 20%, * * * Max. Fiber 8% * * * Manufactured by Owings Bros. York, Pa."

It was alleged in the information that the article was misbranded in that the statements, "Analysis Min. Protein 20% * * * Max. Fiber 8%," borne on the sacks, were false and misleading, since the said statements represented that the article contained not less than 20 per cent of protein, and not more than 8 per cent of fiber; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 20 per cent of protein and not more than 8 per cent of fiber; whereas it contained less protein and more fiber than so represented.

On October 19, 1931, the defendants entered pleas of guilty to the information, and the court imposed fines aggregating \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19315. Adulteration of butter. U. S. v. 10 Tubs, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27848. I. S. No. 42706. S. No. 5650.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On December 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 22 tubs of butter at New York, N. Y., alleging that the article had been shipped by the Waucoma Creamery Co., Ridgeway, Iowa, on or about December 9, 1931, and had been transported from the State of Iowa into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by the act of March 4, 1923.

The Lime Springs Creamery Co., Lime Springs, Iowa, interposed a claim for the product and admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reworked so that it contain at least 80 per cent of butterfat. On December 22, 1931, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the

product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$600, conditioned in part that it be reworked so that it comply with the Federal food and drugs act and all other laws, and that it should not be disposed of until examined and approved by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19316. Adulteration of butter. U. S. v. Raymond A. Washatka (Park Falls Creamery Co.). Plea of guilty. Fine, \$100. (F. & D. No. 26581. I. S. No. 036461.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Wisconsin.

On July 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Raymond A. Washatka, trading as Park Falls Creamery Co., Park Falls, Wis., alleging shipment by said defendant, in violation of the food and drugs act, on or about May 16, 1930, from the State of Wisconsin into the State of Illinois, of a quantity of butter that was adulterated.

Adulteration of the article was alleged in the information for the reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923, which the said article purported to be.

On November 11, 1931, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19317. Adulteration and misbranding of grated cheese. U. S. v. Kraft-Phenix Cheese Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 25732. I. S. No. 7290.)

The grated cheese involved in this action was found to be a cheese mixture containing an excessive amount of lactose, which had been added to the article in the form of dried skim milk powder.

On May 19, 1931, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Kraft-Phenix Cheese Corporation, a corporation, trading at Chicago, Ill., alleging shipment by said company, in violation of the food and drugs act, on or about November 25, 1930, from the State of Illinois into the State of Michigan, of a quantity of grated cheese that was adulterated and misbranded. The article was labeled in part: "Kraft Cheese Blended Dehydrated Grated Whole Milk American Cheese Blended With Part Skim-Milk Cheese Kraft-Phenix Cheese Corporation General Offices—Chicago."

It was alleged in the information that the article was adulterated in that an added substance, to wit, lactose, had been substituted in part for the said article.

Misbranding was alleged for the reason that the statements, to wit: "Cheese * * * Grated Whole Milk American Cheese Blended with Part Skim Milk Cheese," borne on the package containing the article, were false and misleading in that the said statements represented that the article was made solely from whole American cheese blended with part skim milk cheese; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was made solely from whole American cheese blended with part skim milk cheese; whereas it was not, but did consist in part of added lactose which had been added in the form of dried skim milk powder.

On January 25, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19318. Misbranding of olive oil. U. S. v. One Hundred and Forty-four 1-Gallon Cans, et al., of Olive Oil. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27396. I. S. Nos. 4750, 34173. S. No. 5520.)

Sample cans of olive oil from the import shipment involved in this action having been found to contain less than the declared volume, the Secretary of

Agriculture reported the matter to the United States attorney for the Eastern District of New York.

On December 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one hundred and forty-four 1-gallon cans and eighteen 6-gallon cans of olive oil, remaining unsold in the original packages at Astoria, Long Island, N. Y., alleging that the article had been imported into the United States, having been entered on or about September 1, 1931, and that it was misbranded in violation of the food and drugs act as amended. A portion of the article was labeled in part: "Oleo Puro D'Olive Prodotto In Italia Esportatori Fratelli Laricchia Adelfia (Italia) * * * Net Contents One Gallon Guaranteed Full Measure." The remainder of the said article was labeled in part: "Oleo Garantito Puro D'Olive Esportatori Fratelli Laricchia Adelfia (Italia) Olive Oil * * * Containing Six Gallons Net."

It was alleged in the libel that the article was misbranded in that the statements appearing on the cans, "Net Contents One Gallon Guaranteed Full Measure," and "Containing Six Gallons Net," were false and misleading and deceived and misled the purchaser, since the cans contained less than so represented. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the cans contained less than represented.

On January 15, 1932, Giuseppe Laricchia, Astoria, Long Island, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that the cans be refilled so that the article comply with the requirements of the Federal food and drugs act and all Federal and State laws, said refilling to be done under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19319. Misbranding of crab meat. U. S. v. William Cruso (C. C. Co.). Plea of guilty. Fine, \$25. (F. & D. No. 26602. I. S. No. 8550.)

Sample packages of crab meat, labeled as containing 1 pound net, having been found short of the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Mississippi.

On September 29, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against William Cruso, trading as C. C. Co., Biloxi, Miss., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about January 26, 1931, from the State of Mississippi into the State of Alabama, of a quantity of crab meat that was misbranded. The article was labeled in part: (Can) "Contents Crab Meat 1 Lb. Net."

It was alleged in the information that the article was misbranded in that the statement, to wit, "1 Lb. Net," borne on the cans containing the article, was false and misleading, since the said statement represented that each of the cans contained 1 pound of the article; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the cans each contained 1 pound of the article; whereas most of the said cans contained less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form and the quality of the contents was not plainly and conspicuously marked on the outside of the package, since the cans contained less than so represented.

On February 17, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19320. Adulteration of tomato catsup. U. S. v. 100 Cases, et al., of Tomato Catsup. Default decree of destruction. (F. & D. No. 27067. I. S. Nos. 40294, 40295. S. No. 5307.)

Samples of tomato catsup from the shipment herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the District of Minnesota.

On October 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and

condemnation of 150 cases of tomato catsup, remaining in the original and unbroken packages at Minneapolis, Minn., alleging that the article had been shipped on or about November 17, 1930, by the Utah Canning Co., from Ogden, Utah, and had been transported in interstate commerce from the State of Utah into the State of Minnesota, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: (Can) "Pioneer Brand Tomato Catsup * * * The Utah Canning Company, Ogden, Utah." The remainder of the article was labeled in part: (Can) "Temple Brand Tomato Catsup made from trimmings The Utah Canning Co., Ogden, Utah."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance unfit for food.

On February 9, 1932, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19321. Adulteration and misbranding of eggs. U. S. v. 13 Cases of Eggs. Consent decree of condemnation and confiscation. Product released to be candled and relabeled. (F. & D. No. 27945. I. S. No. 24245. S. No. 5275.)

Examination of samples of shell eggs from the shipment herein described having shown the eggs to be partly decomposed, the facts were reported to the United States attorney for the Western District of Louisiana by the Shreveport health department, acting in cooperation with the United States Department of Agriculture.

On August 26, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 13 cases of eggs at Shreveport, La., alleging that the article had been shipped on or about August 22, 1931, by the Armstrong Packing Co., from Dallas, Tex., and had been transported in interstate commerce from the State of Texas into the State of Louisiana, and charging adulteration and misbranding in violation of the Federal food and drugs act. The article was labeled in part: "Select Loose;" or "Select Fresh Cartons."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance, to wit, rotten or partly rotten eggs.

Misbranding was alleged for the reason that the statements, "Select Eggs" and "Select Fresh Cartons," were false and misleading and deceived and misled the purchaser, since the said statements were applied to eggs that were not select or fresh, but rotten and partly rotten.

On August 29, 1931, the Armstrong Packing Co., Dallas, Tex., claimant, having filed an answer admitting the allegations of the libel and having prayed the entry of a decree providing for the candling of the product under proper supervision and the destruction of the bad eggs, judgment of condemnation and confiscation was entered. The decree provided that the claimant be granted the privilege of candling the eggs in order to bring the product up to the standard of storage eggs; that the words "Storage Eggs" be stamped upon the cases; that after inspection, candling, and relabeling, the product be released, and that claimant pay all costs of the proceedings.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19322. Adulteration of cabbage. U. S. v. 132 Hampers of Cabbage. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27411. I. S. No. 46060. S. No. 5613.)

Arsenic having been found on the cabbage in the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the Middle District of Georgia.

On December 19, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 132 hampers of cabbage, remaining in the original unbroken packages at Macon, Ga., alleging that the article had been shipped by Dave Gilliard, from Meggett, S. C., on or about December 8, 1931, and had been transported from the State of South Carolina into the State of Georgia, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous and deleterious ingredient, to wit, arsenic, which rendered it harmful to health.

On January 9, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19323. Adulteration of cabbage. U. S. v. 415 Hampers, et al., of Cabbage. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 27589, 27597. I. S. Nos. 42617, 43673. S. Nos. 5624, 5641.)

Arsenic having been found on the cabbage in the shipments herein described, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On December 21 and December 22, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 870 hampers of cabbage at Jersey City, N. J., alleging that the article had been shipped by the Indian River Fruit Growers from Wabasso, Fla., in part on or about December 12, 1931, and in part on or about December 15, 1931, and had been transported in interstate commerce from the State of Florida into the State of New Jersey, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that it contained an added poisonous or deleterious ingredient, to wit, arsenic, which might have rendered it injurious to health.

On December 30, 1931, no claim for the property having been interposed, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19324. Misbranding of crab meat. U. S. v. Tom Ozio (Ozio Fisheries). Plea of guilty. Fine, \$25. (F. & D. No. 26601. I. S. No. 13859.)

Sample cans of crab meat, labeled as containing 1 pound, having been found short of the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Louisiana.

On September 4, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Tom Ozio, trading as Ozio Fisheries, Morgan City, La., alleging shipment by said defendant, in violation of the food and drugs act, on or about November 3, 1930, from the State of Louisiana into the State of Illinois, of a quantity of crab meat that was misbranded. The article was labeled in part: (Shipping box) "100 Lbs. White Crabmeat;" (can) "Ozio Brand Crab Meat * * * One Pound Net * * * Ozio Fisheries Morgan City, La."

It was alleged in the information that the article was misbranded in that the statement "100 Lbs. White Crabmeat," borne on the tag attached to the said box, and the statement, to wit, "One Pound Net," borne on the cans containing the article, were false and misleading in that the said statements represented that the box contained 100 pounds, and that the cans each contained 1 pound of crab meat; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said box contained 100 pounds, and that the cans each contained 1 pound of crab meat; whereas the box contained less than 100 pounds of the article, and most of the cans contained less than 1 pound of the article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the packages contained less than represented.

On December 8, 1931, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19325. Adulteration of ground thyme. U. S. v. Margaret Jamison and Martha A. Jamison (Arbuckle Bros.). Pleas of guilty. Fine, \$100 and costs. (F. & D. No. 26638. I. S. No. 25979.)

Samples of ground thyme from the shipment herein described having been found to contain sand and other mineral matter, the Secretary of Agriculture reported the facts to the United States attorney for the Northern District of Illinois.

On October 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Margaret Jamison and Martha A. Jamison, copartners, trading as Arbuckle Bros., Chicago, Ill., alleging shipment by said defendants, in violation of the food and drugs act, on or about March 26, 1931, from the State of Illinois into the State of Indiana, of a quantity of ground thyme that was adulterated. The article was labeled in part: "Grd. Thyme * * * From Arbuckle Brothers Chicago, Ill."

It was alleged in the information that the article was adulterated in that substances, to wit, sand and other excessive mineral matter, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for ground thyme, which the said article purported to be.

On February 23, 1932, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$100 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19323. Misbranding of canned orange juice and canned grapefruit juice. U. S. v. 132 Cartons of Canned Orange Juice, et al. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 26990. I. S. Nos. 34140, 34141. S. No. 5195.)

Sample cans of orange juice and grapefruit juice from the shipments involved in this action having been found to contain less than the volume declared on the labels, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On September 25, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid, a libel praying seizure and condemnation of 132 cartons of canned orange juice and 101 cartons and 10 wooden cases of canned grapefruit juice, remaining in the original unbroken packages at New York, N. Y., alleging that the articles had been shipped in part on or about June 8, 1931, and in part on or about June 13, 1931, by the Florida Citrus Products Corporation, from Tampa, Fla., and had been transported in interstate commerce from the State of Florida into the State of New York, and charging misbranding in violation of the food and drugs act as amended. The orange juice was labeled in part: (Cans) "Honey Moon Brand 100% Pure Orange Juice Contents Not Less Than 56 Fl. Oz. * * * Florida Citrus Products Corporation Lakeland Fla." The grapefruit juice was labeled in part: (Cans) "Honey Moon Brand Grapefruit Juice Unsweetened * * * Contents 56 Fluid Ozs." The label of the grapefruit juice bore the statements partly obliterated: "Recommended in place of fresh juice for Diabetes, Acidity, Influenza, Obesity, etc. Contains vitamins A, B, and C. Natural Strength."

It was alleged in the libel that the articles were misbranded in that the statements on the can labels, "Contents Not Less Than 56 Fl. Oz." and "Contents 56 Fluid Ozs.," were false and misleading and deceived and misled the purchaser, since the cans contained less than so represented. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the cans contained less than represented.

On February 16, 1932, the Florida Citrus Products Corporation, Lakeland, Fla., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$2,000. The bond was conditioned that the products be relabeled by obliterating from the respective labels the statements, "56 Fl. Oz." and "56 Fluid Ozs.," and substituting therefor the statement "1½ Quarts," and by obliterating from the label of the grapefruit juice all reference to the names of diseases and vitamins.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19327. Adulteration of canned blackberries. U. S. v. 1,250 Cases of Canned Blackberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27193. I. S. No. 12783. S. No. 5371.)

Samples of canned blackberries from the shipment herein described having been found to be moldy, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On October 30, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1,250 cases of canned blackberries at Chicago, Ill., alleging that the article had been shipped on or about October 16, 1931, by Puyallup & Sumner Fruit Growers Association from Tacoma, Wash., and had been transported in interstate commerce from the State of Washington into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Charmed Land Brand Cultivated Evergreen Blackberries Packed by Puyallup and Sumner Fruit Growers Association, Puyallup Wash."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On April 22, 1932, the default of all parties having been noted, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19328. Adulteration and misbranding of butter. U. S. v. 6 Cases, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 27839. I. S. Nos. 52007, 52009. S. No. 5805.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On January 28, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 cases of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped on January 15, 1932, by the Western Creamery Co., from Wichita, Kans., and had been transported from the State of Kansas into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Clear Brook Creamery Butter."

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading, since it contained less than 80 per cent of milk fat.

On February 1, 1932, Wilson & Co. (Inc.), Chicago, Ill., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant for reworking, under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or disposed of contrary to the provisions of the food and drugs act or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19329. Adulteration of canned stringless beans. U. S. v. 118 Cases of Canned Stringless Beans. Default decree of condemnation and destruction. (F. & D. No. 24733. I. S. Nos. 017169, 08104. S. No. 3087.)

Samples of stringless beans from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Columbia.

On April 25, 1930, the United States attorney filed in the Supreme Court of the District of Columbia, holding a District Court, a libel praying seizure and condemnation of 118 cases of canned stringless beans, remaining in the original and unbroken packages at Washington, D. C., alleging that the article had been shipped by Frey & Son (Inc.), from Baltimore, Md., on or about March 21, 1930, and had been transported from the State of Maryland into the District of Columbia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Valliant's Delight Brand Cut Stringless Beans. * * * Packed by Wm. Valliant & Bro., Bellevue, Md."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On February 5, 1932, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19330. Adulteration of tomato puree. U. S. v. 24 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27248. I. S. No. 44791. S. No. 5426.)

Samples of tomato puree from the shipment herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of West Virginia.

On November 23, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 24 cases of tomato puree, remaining in the original cans at Parkersburg, W. Va., alleging that the article had been shipped on or about August 21, 1931, by the Wooster Preserving Co. from Wooster, Ohio, and had been transported in interstate commerce from the State of Ohio into the State of West Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Cedar Valley Brand Puree * * * Red Ripe Tomatoes. Packed by The Wooster Preserving Co., Wooster, Ohio."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance unfit for food.

On January 14, 1932, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19331. Misbranding of canned citrus fruit juices. U. S. v. 50 Cases of Pomorang Blended Citrus Fruit Juices. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26522. I. S. No. 12548. S. No. 4828.)

Examination showed the presence of a large amount of sugar in the canned citrus fruit juices involved in this action and the cans were found to contain less than the declared volume.

On June 27, 1931, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 50 cases of Pomorang blended citrus fruit juices, remaining in the original unbroken packages at Spokane, Wash., alleging that the article had been shipped by the Florida Fruit Cannery (Inc.), of Frostproof, Fla. (from Tampa, Fla.), on or about April 17, 1931, and had been transported in interstate commerce from the State of Florida into the State of Washington, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cans) "Pomorang Brand Slightly Sweetened Blended Pure Citrus Fruit Juice Contents 8 fl. oz. Florida Fruit Cannery Inc. Divn. of L. Maxcy, Inc., Frostproof Florida."

It was alleged in the libel that the article was misbranded in that the statements, "Slightly sweetened blended pure citrus fruit juices" and "Contents 8 fl. oz.," were false and misleading, and deceived and misled the purchaser when applied to an article containing approximately as much added sugar as it contained sugar normal to citrus fruits, and in which the cans contained less than the declared volume. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the quantity stated was incorrect.

On July 23, 1931, A. T. Amos & Co., Seattle, Wash., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$150, conditioned in part that it be relabeled in a manner satisfactory to this department, and that it should not be sold or disposed of contrary to the provisions of the food and drugs act or the laws of any State, Territory, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19332. Adulteration of canned salmon. U. S. v. 168 Cases of Canned Salmon. Default decree of condemnation, forfeiture, and destruction. F. & D. No. 25817. I. S. No. 15727. S. No. 3977.)

Samples of canned salmon from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On January 26, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 168 cases of canned salmon, remaining in the original and unbroken packages at Fall River, Mass., alleging that the article had been shipped by the F. A. Gosse Co., from Seattle, Wash., on or about August 29, 1930, and had been transported in interstate commerce from the State of Washington into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Plymouth Brand Pink Salmon * * * Packed for National Wholesale Grocery Co., Inc., Fall River and New Bedford, Mass."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On August 17, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19333. Adulteration of butter. U. S. v. 10 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 27847. I. S. No. 42722. S. No. 5752.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On January 13, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 tubs of butter at New York, N. Y., alleging that the article had been shipped on or about January 6, 1932, by the Nelson Ice Cream Co., through the Farmers Cooperative Creamery Association, from Fairmont, Minn., and had been transported from the State of Minnesota into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by the act of March 4, 1923.

The Nelson Ice Cream Co., Fairmont, Minn., claimant, filed a stipulation admitting the allegations of the libel and consenting to the entry of a decree, and agreed that the product, if released, would be reworked so that it contain at least 80 per cent of butterfat. On January 22, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it be reworked so that it comply with the requirements of the Federal food and drugs act and all laws, State and Federal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19334. Adulteration of butter. U. S. v. 62 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 27846. I. S. No. 42720. S. No. 5753.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On January 13, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 62 tubs of butter at New York, N. Y., alleging that the article had been shipped on or about January 2, 1932, by Linwood Dairy & Creamery Co., from Wichita, Kans., and had been transported from the State of Kansas into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted

for butter, a product which should contain not less than 80 per cent of milk fat as provided by the act of March 4, 1923.

The Linwood Dairy, Wichita, Kans., claimant, filed a stipulation admitting the allegations of the libel and consenting to the entry of a decree, and agreed that the product, if released, would be reworked so that it contain at least 80 per cent of butterfat. On January 21, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,800, conditioned in part that it be reworked so that it comply with the requirements of the Federal food and drugs act, and all laws, State and Federal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19335. Adulteration of butter. U. S. v. 12 Tubs, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 27849. I. S. No. 42705. S. No. 5629.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On December 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 13 tubs of butter at New York, N. Y., alleging that the article had been shipped on or about December 5, 1931, by Storm Lake Products (Produce) Co., from Storm Lake, Iowa, and had been transported from the State of Iowa into the State of New York, and charging adulteration in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by the act of March 4, 1923.

The Storm Lake Produce Co., Storm Lake, Iowa, claimant, filed a stipulation admitting the allegations of the libel and consented to the entry of a decree, and agreed that the product, if released, would be reworked so that it contain at least 80 per cent of butterfat. On January 9, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$700, conditioned in part that it be reworked so that it comply with the requirements of the Federal food and drugs act and all laws, State and Federal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19336. Adulteration of butter. U. S. v. 1 Tub of Butter. Default decree of condemnation and forfeiture. Product given to a charitable institution. (F. & D. No. 27845. I. S. No. 42704. S. No. 5585.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On December 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one tub of butter, remaining in the original unbroken package at New York, N. Y., alleging that the article had been shipped on November 28, 1931, by Holmes City Creamery, Holmes City, Minn., from Miltons, Minn., and had been transported from the State of Minnesota into the State of New York, and charging adulteration in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by act of March 4, 1923.

On January 9, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to a charitable institution.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19337. Adulteration and misbranding of lima beans. U. S. v. Robert H. Wilkinson and John B. Park (E. W. Mills Co.). Plea of guilty. Fine, \$50. (F. & D. No. 27435. I. S. No. 16192.)

Samples of a product, represented to be lima beans, having been found to consist of beans other than lima beans, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On December 28, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Robert H. Wilkinson and John B. Park, copartners, trading as E. W. Mills Co., Philadelphia, Pa., alleging shipment by said defendants, on or about February 24 and March 9, 1931, from the State of Pennsylvania into the State of Maryland, of a quantity of alleged lima beans that were adulterated and misbranded. The article was labeled in part: (Sacks) "Tally-Ho Domestic Lima Beans."

It was alleged in the information that the article was adulterated in that beans other than lima beans had been substituted in whole and in part for lima beans, which the article purported to be.

Misbranding was alleged for the reason that the statement "Lima Beans," borne on the sacks containing the article, was false and misleading in that the said statement represented that the article consisted wholly of lima beans; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of lima beans; whereas it did not so consist, but did consist in whole and in part of beans other than lima beans. Misbranding was alleged for the further reason that the article was offered for sale and was sold under the distinctive name of another article.

On January 21, 1932, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19338. Adulteration of cabbage. U. S. v. 417 Hampers of Cabbage. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27368. I. S. No. 43629. S. No. 5571.)

Arsenic having been found on cabbage taken from the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On December 12, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 417 hampers of cabbage at Jersey City, N. J., alleging that the article had been shipped by C. E. Gibson from Meggett, S. C., on or about December 7, 1931, and had been transported in interstate commerce from the State of South Carolina into the State of New Jersey, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Gibson Jr."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous ingredient, to wit, arsenic, which might have rendered the article injurious to health.

On January 18, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19339. Adulteration of candy. U. S. v. 27 Boxes of Candy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27346. I. S. No. 34896. S. No. 5517.)

The candy involved in this action consisted of pieces all of the same outward appearance but with pennies concealed in some of them.

On December 7, 1931, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 27 boxes of candy, remaining in the original unbroken packages at Buffalo, N. Y., consigned by R. F. Keppel & Bro. (Inc.), Lancaster, Pa., alleging that the article had been shipped from Lancaster, Pa., on or about November 3, 1931, and had been transported from the State of Pennsylvania into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Penny Chocolate Pigs."

It was alleged in the libel that the article was adulterated in that it contained an ingredient, deleterious or detrimental to health, and in that it contained an

added poisonous or other added deleterious ingredient which might have rendered it injurious to health, to wit, a copper cent.

On January 7, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19340. Adulteration of tullibeas. U. S. v. 100 Boxes of Frozen Tullibeas. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27320. I. S. No. 39382. S. No. 5504.)

Samples of frozen tullibeas from the shipment herein described having been found to be infested with triaenophorous cysts (indicating worm infestation), the Secretary of Agriculture reported the matter to the United States attorney for the Western District of New York.

On November 30, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 100 boxes of frozen tullibeas, remaining in the original unbroken packages at Buffalo, N. Y., consigned by the Nordic Fish Co., alleging that the article had been shipped from Winnipeg, Manitoba, Canada, on May 28, 1931, into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On December 30, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19341. Adulteration and misbranding of evaporated apples. U. S. v. John Rankin (Rankin & Son). Plea of guilty. Fine, \$10. (F. & D. No. 26550. I. S. No. 14825.)

The product involved in this action consisted of insufficiently evaporated apples. It was also partly decomposed and was short weight.

On August 3, 1931, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against John Rankin, trading as Rankin & Son, Johnson, Ark., alleging shipment by said defendant, in violation of the food and drugs act, on or about January 12, 1931, from the State of Arkansas into the State of Oklahoma, of a quantity of evaporated apples that were adulterated and misbranded. The article was labeled in part: (Boxes) "Net Wt. 25 Lbs. when packed Our Pride Evaporated Apples Packed by Rankin and Son, Springfield, Ark."

Adulteration of the article was alleged in the information for the reason that a substance, to wit, insufficiently evaporated apples, had been substituted in part for evaporated apples, which the said article purported to be. Adulteration was alleged for the further reason that the article consisted in whole and in part of a filthy and decomposed and putrid vegetable substance.

Misbranding was alleged for the reason that the statements, to wit, "Evaporated Apples" and "Net Wt. 25 Lbs.," borne on the boxes, were false and misleading in that the said statements represented that the article consisted wholly of evaporated apples and that each of the boxes contained 25 pounds net weight of the said article; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of evaporated apples and that each of the boxes contained 25 pounds net of the article; whereas it consisted in part of insufficiently evaporated apples, and each of said boxes did not contain 25 pounds of the said article, but did contain a less amount.

On November 7, 1931, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19342. Adulteration of pecans in shell. U. S. v. 20½ Cases of Pecans in Shell. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27364. I. S. No. 9098. S. No. 5553.)

Samples of pecans from the shipment herein described having been found to be moldy and decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On December 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 20½ cases of pecans in shell, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped on or about November 30, 1931, by the Sanitary Grocery Co. (Inc.), from Washington, D. C., and had been transported from the District of Columbia into the State of Maryland, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On January 15, 1932, the Consolidated Pecan Sales Co., Albany, Ga., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the said claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned in part that it should not be sold or disposed of contrary to the Federal food and drugs act, and all other laws, and further conditioned that the bad portion be destroyed under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19343. Adulteration of butter. U. S. v. 15 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 27835. I. S. No. 5377. S. No. 5802.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On January 25, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 tubs of butter at New York, N. Y., alleging that the article had been shipped by the Garrison Cooperative Creamery Association, Garrison, Iowa, on or about January 16, 1932, and had been transported from the State of Iowa into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by the act of March 4, 1923.

The Garrison Cooperative Creamery Association, Garrison, Iowa, interposed a claim for the product and admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On January 27, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned in part that it be reworked so that it comply with the Federal food and drugs act and all other laws, and that it should not be disposed of until examined and approved by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19344. Adulteration of canned salmon. U. S. v. 1,198 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27660. I. S. No. 22582. S. No. 5738.)

Samples of salmon from the shipment herein described having been found to be partially decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On January 14, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1,198 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped on or about October 3, 1930, by the Grimes Packing Co., from Ouzinkie, Alaska, and had been transported in interstate commerce from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On January 29, 1932, O. L. Grimes, claimant, having filed a stipulation admitting the allegations of the libel and having consented to the entry of

a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that the salmon be brought into conformity with the Federal food and drugs act, and that it should not be sold or disposed of contrary to the provisions of said act or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19345. Alleged misbranding of oysters. U. S. v. Edward R. Clarke (E. R. Clarke). Instructed verdict of not guilty. (F. & D. No. 25725. I. S. Nos. 14486, 14487.)

Sample cans of oysters taken from the shipments involved in this action having been found to contain less than the volume declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On April 28, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Edward R. Clarke, trading as E. R. Clarke, Norfolk, Va., charging shipment by said defendant, in violation of the food and drugs act, on or about February 3, 1931, from the State of Virginia into the State of South Carolina, of quantities of oysters that were alleged to be misbranded. The article was labeled in part: (Can) "Selects * * * Minimum 1 Pint Volume."

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Minimum 1 Pint Volume," borne on each of the cans, was false and misleading in that the said statement represented that the cans each contained 1 pint of oysters; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the cans each contained 1 pint of oysters; whereas the cans did not contain 1 pint of oysters, but did contain a less amount.

On January 6, 1932, the case came on for trial before the court and a jury. After introduction of evidence on behalf of the Government and arguments by counsel the jury, acting under instructions of the court, returned a verdict of not guilty.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19346. Adulteration of canned tomato puree. U. S. v. Crampton Canneries (Inc.). Plea of nolo contendere. Fine, \$200 and costs. (F. & D. No. 26594. I. S. No. 10346.)

Samples of canned tomato puree involved in this action having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Ohio.

On August 24, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Crampton Canneries (Inc.), a corporation, Celina, Ohio, alleging shipment by said company in violation of the food and drugs act, on or about November 7, 1930, from the State of Ohio into the State of Missouri, of a quantity of canned tomato puree that was adulterated. The article was labeled in part: "Ohio Brand Fancy Pure Foods Tomato Puree * * * Hensgen-Peters Smith Co. Distributors. St. Louis, Mo."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed and putrid vegetable substance.

On September 23, 1931, a plea of nolo contendere to the information was entered on behalf of the defendant company. On April 28, 1932, a fine of \$200 and costs was imposed by the court.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19347. Adulteration of canned salmon. U. S. v. 787 Cases of Canned Salmon. Decree of condemnation. Product released under bond. (F. & D. No. 27598. I. S. Nos. 37764, 37765, 37766. S. No. 5640.)

Samples of salmon from the shipment herein described having been found to be partly decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On December 31, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 787 cases of canned salmon, remaining in the original unbroken

packages at Norfolk, Va., alleging that the article had been shipped on or about October 31, 1931, by Libby, McNeill and Libby, from Seattle, Wash., and had been transported from the State of Washington into the State of Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cases and cans) "Happy-Vale Brand Pink Salmon * * * Packed for Emery Food Co. Chicago."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On January 19, 1932, the Emery Food Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having prayed delivery of the product for the purpose of segregating the good portion from the bad portion, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned in part that it should not be sold or disposed of contrary to the provisions of the food and drugs act or the laws of any State, Territory, district, or insular possession. It was further ordered that the segregation of the product be made under the supervision of this department, and that the portion found wholesome and fit for human consumption be released.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19348. Adulteration of cabbage. U. S. v. 436 Hampers of Cabbage. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27656. I. S. No. 37612. S. No. 5706.)

Examination of samples of cabbage from the shipment herein described having shown the presence of arsenic, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On January 12, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 436 hampers of cabbage, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped on or about January 5, 1932, by W. H. Tucker, from Santos, Fla., and had been transported from the State of Florida into the State of Maryland, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, to wit, arsenic, which might have rendered the product harmful to health.

On January 26, 1932, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19349. Adulteration of cabbage. U. S. v. 441 Hampers of Cabbage. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27642. I. S. No. 38377. S. No. 5684.)

Arsenic having been found on cabbage taken from the shipment involved in this action, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On January 6, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 441 hampers of cabbage at New York, N. Y., alleging that the article had been shipped on or about December 30, 1931, by the H. B. Stirey Co., from Montclair, Fla., and had been transported from the State of Florida into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, to wit, arsenic, which might have rendered the article injurious to health.

On January 25, 1932, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19350. Adulteration of cabbage. U. S. v. 90 Hampers, et al., of Cabbage. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 27672. I. S. No. 37617. S. No. 5754.)

Examination of samples of cabbage from the shipment herein described having shown the presence of arsenic, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On January 16, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 112 hampers of cabbage, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped on or about January 11, 1932, by Christian & Neal, from McIntosh, Fla., and had been transported from the State of Florida into the State of Maryland, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, to wit, arsenic, which might have rendered the product harmful to health.

On January 18, 1932, claimant having filed an answer admitting the allegations of the libel and requesting immediate destruction of the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

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| Spirings water: | | |
| Capon Water Co----- | 19236 | |
| Celery: | | |
| Sanford-Oviedo Truck Grow- | | |
| ers (Inc.)----- | 19262 | |
| Cheese, grated: | | |
| Kraft-Phenix Cheese Corpora- | | |
| tion----- | 19317 | |
| Cherries, canned: | | |
| Paulus Bros. Packing Co----- | 19290 | |
| Ricketts, Ray A., Co----- | 19250 | |
| Chicken soup with noodles, canned: | | |
| Pure Food Factory Hansa----- | 19300 | |
| Chickens. <i>See</i> Poultry. | | |
| Choclat-Nuga: | | |
| Seidel, Ad., & Sons----- | 19251 | |
| Seidel, Louis----- | 19251 | |
| Seidel, W. F----- | 19251 | |
| Citrus fruit juices: | | |
| Florida Fruit Cannery (Inc.)----- | 19331 | |
| grapefruit juice: | | |
| Florida Citrus Products Cor- | | |
| poration----- | 19326 | |
| orange juice, canned: | | |
| Florida Citrus Products Cor- | | |
| poration----- | 19326 | |
| Cottonseed cake. <i>See</i> Feed. | | |
| screenings. <i>See</i> Feed. | | |
| Crab meat. <i>See</i> Shellfish. | | |
| Cream: | | |
| Eatonton Creamery Co----- | 19257 | |
| Dairy products. <i>See</i> Butter; Cheese; | | |
| Cream; Milk. | | |
| Dates: | | |
| Capitol Candied Nuts (Inc.)----- | 19252 | |
| Eggs: | | |
| Armstrong Packing Co----- | 19321 | |
| frozen, mixed: | | |
| Standard Brands (Inc.)----- | 19288 | |
| Feed— | | |
| alfalfa leaf meal: | | |
| Pecos Valley Alfalfa Mill Co----- | 19313 | |
| barley mixed oats: | | |
| Anderson, E. E----- | 19270 | |
| cottonseed cake: | | |
| El Paso Refining Co----- | 19291 | |
| screenings: | | |
| Cooper Cotton Oil Co----- | 19235 | |
| mash, laying: | | |
| Owings Bros----- | 19314 | |
| Owings, R. F----- | 19314 | |
| Owings, T. C----- | 19314 | |
| meat scraps: | | |
| Packer Products Co----- | 19254 | |
| shorts, gray, with wheat screen- | | |
| ings: | | |
| Kansas Mill & Elevator Co----- | 19282 | |
| Larabee Flour Mills Corpora- | | |
| tion----- | 19277 | |
| tankage, digester: | | |
| Packer Products Co----- | 19254 | |
| Figs: | | |
| California Packing Co----- | 19289 | |
| Catz American Co. (Inc.)----- | 19276 | |
| dried: | | |
| California Packing Corpora- | | |
| tion----- | 19228 | |
| Fish— | | |
| bluefins: | | |
| North Shore Fish & Freight | | |
| Co----- | 19225 | |

| Fish—Continued. | | N. J. No. | Rabbits: | | N. J. No. |
|---|--|--------------|---|--|--------------|
| herring: | | | Frazee Produce Co. | | 19265 |
| Nordley, Paul. | | 19237 | Logan & Ammon | | 19268 |
| dressed: | | | M. F. A. Exchange | | 19252 |
| Jacobson, J. | | 19239 | Mickel, J. M. | | 19267 |
| Siegel, George | | 19238 | Morris, T. B. | | 19296 |
| salmon, canned: | | | Swarthout Feed & Produce Co. | | 19266 |
| Altoona Packing Co. | | 19201 | Zeigler Produce Co. | | 19297 |
| Gosse, F. A., Co. | | 19332 | Salad oil. <i>See</i> Oil. | | |
| Grimes Packing Co. | | 19344 | Salmon. <i>See</i> Fish. | | |
| Iwersen, Ingolfur. | | 19208 | Sardines. <i>See</i> Fish. | | |
| Iwersen Packing Co. | | 19208 | Sauce, Teche Valley hot: | | |
| Libby, McNeill & Libby. | | 19299, 19347 | New Iberia Canning Co. | | 19246 |
| McGovern & McGovern. | | 19294 | Scallops. <i>See</i> Shellfish. | | |
| Pioneer Sea Foods Co. | | 19235 | Shellfish— | | |
| sardines, canned: | | | crab meat: | | |
| Connors Bros. (Ltd.) | | 19272 | C. C. Co. | | 19319 |
| tullibees: | | | Cruso, Wm. | | 19319 |
| Guest, W. J., Co. (Ltd.) | | 19202 | Ozio Fisheries | | 19324 |
| Nordic Fish Co. | | 19298, 19340 | Ozio, Tom | | 19324 |
| tuna, canned: | | | oysters: | | |
| California Sea Food Co. | | 19306 | Clarke, E. R. | | 19345 |
| Rex, M. A. | | 19306 | Housman, N. P., Oyster Co. (Inc.) | | 19307 |
| white fish, frozen: | | | Loockerman, C. A. | | 19241 |
| Northern Cold Storage Warehouse | | 19240 | scallops: | | |
| Flavoring extracts. <i>See</i> Grape; V-Nilla. | | | Bowen, Ralph | | 19207 |
| Grape flavoring sirup: | | | Bowen, Ralph V. | | 19207 |
| Lowe, Joe, Corporation | | 19222 | Cape Charles Sea Food Co. | | 19203 |
| Grapefruit juice. <i>See</i> Citrus fruit juices. | | | Hine, C. C. | | 19223 |
| Herring. <i>See</i> Fish. | | | Hine, Charles C. | | 19223 |
| Mash, laying. <i>See</i> Feed. | | | Hine, U. W. | | 19214 |
| Meat scraps. <i>See</i> Feed. | | | Lowe, Preston | | 19212 |
| Milk, sweetened condensed: | | | Smith, H. Allen | | 19211 |
| Sunshine Farms. | | 19221 | Smith, H. Allen, & Co. | | 19211 |
| Mushrooms, canned sliced: | | | Smith, S. F., & Co. | | 19203 |
| Von Bremen-Asche de Bruyn (Inc.) | | 19205 | Smith, Sydney Frank | | 19203 |
| Mushroom puree: | | | Steelman, Emory J. | | 19224 |
| Keystone Mushroom Co. (Inc.) | | 19261 | Shorts, gray, with wheat screenings. <i>See</i> Feed. | | |
| Mustard: | | | Strawberry cream sandwich: | | |
| Rawleigh, W. T., Co. | | 19216 | Loose-Wiles Biscuit Co. | | 19256 |
| Nuts— | | | Tankage. <i>See</i> Feed. | | |
| pecans: | | | Thyme, ground: | | |
| Sanitary Grocery Co. (Inc.) | | 19342 | Arbuckle Bros. | | 19325 |
| walnut meats: | | | Jamison, Margaret | | 19325 |
| Mayer, Leon | | 19260 | Jamison, M. A. | | 19325 |
| Oats, barley mixed. <i>See</i> Feed. | | | Lewis, Archibald C. | | 19247 |
| Oil, olive: | | | Tomato catsup: | | |
| Mallars & Co. | | 19318 | Craig, W., Canning Co. | | 19245, 19271 |
| salad: | | | Frazier Packing Co. | | 19249 |
| Van Camp Packing Co. | | 19281 | Greenbaum Bros. (Inc.) | | 19231 |
| Orange juice. <i>See</i> Citrus fruit juices. | | | Ozark Mountain Canning Co. | | 19258 |
| Oysters. <i>See</i> Shellfish. | | | Smith Canning Co. | | 19253 |
| Peaches, dried: | | | Utah Canning Co. | | 19320 |
| Guggenheim & Co. | | 19295 | juice: | | |
| Peas, canned: | | | Hurff, Edgar F. | | 19230, 19243 |
| Wabash Canning Corporation | | 19204, 19255 | paste: | | |
| Pecans. <i>See</i> Nuts. | | | Favaloro, F. D., Sons (Inc.) | | 19234 |
| Pepper, black: | | | puree: | | |
| Rawleigh, W. T., Co. | | 19216 | Crampton Canneries (Inc.) | | 19346 |
| Potatoes: | | | Pleasant Grove Canning Co. | | 19233 |
| Leonard, Crosset & Riley | | 19305 | Woods Cross Canning Co. | | 19274 |
| Poultry, dressed: | | | Wooster Preserving Co. | | 19330 |
| Armour & Co. | | 19248 | Tomatoes, canned: | | |
| Bixby, D. S. | | 19248 | Robinson, W. E., & Co. | | 19229 |
| Swift & Co. | | 19302 | Tullibees. <i>See</i> Fish. | | |
| chickens, dressed: | | | Tuna. <i>See</i> Fish. | | |
| Fox, Peter, & Sons | | 19218 | V-Nilla: | | |
| Prunes, canned: | | | Seidel, Ad., & Sons | | 19264 |
| Paulus Bros. Packing Co. | | 19263, 19269 | Seidel, Louis A. | | 19264 |
| Western Oregon Packing Corporation | | 19227 | Seidel, Walter F. | | 19264 |
| dried, split: | | 19217 | Vinegar: | | |
| | | | Idaho Vinegar & Cider Co. | | 19219 |
| | | | Walnut meats. <i>See</i> Nuts. | | |
| | | | Whitefish. <i>See</i> Fish. | | |

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